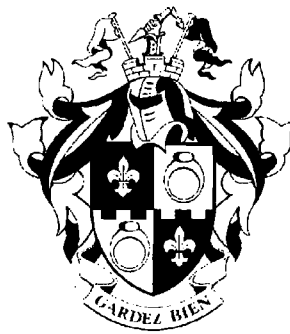


An Evaluation of Montgomery County's Sign Approval and Enforcement Process



Office of Legislative Oversight
Report Number 2002-4
September 17, 2002

Scott Brown
Benjamin Stutz
Shveta Srivastava

Executive Summary

Chapter 59, Article F (Sign Ordinance) of the Montgomery County Code governs the type, size, number, location, and construction of all signs for public view. OLO's review of the sign approval and enforcement process found that the County Government:

- Processes sign permit and sign variance applications within acceptable time frames;
- Responds to complaints about signs efficiently; and
- Generally receives favorable ratings from customers.

The Department of Permitting Services (DPS) is the lead agency for the County's sign approval and enforcement process. The Sign Review Board is a quasi-judicial body of County residents, responsible for hearing and deciding on variances from the County's Sign Ordinance.

Over the past two fiscal years, DPS received approximately 560 sign permit applications per year, of which the great majority were approved. During the same period, the Sign Review Board heard and granted 90% of approximately 100 sign variance applications. Three quarters of sign variance applications were scheduled in time for the Sign Review Board's next available hearing. For the majority of sign complaints received, DPS staff are meeting the Department's performance target of three days to respond to complaints.

In the spirit of continuous improvement, OLO recommends a number of process changes in the short-term and structural changes to consider in the longer-term. To improve the general management of the County's sign approval process, OLO recommends that DPS:

- Conduct inspections to ensure that sign installation meets conditions of approval;
- Make better use of sign-related data for performance monitoring and evaluation;
- Examine the sign variance application fee structure; and
- Examine the level of staffing assigned to the sign approval and enforcement process, within the context of DPS' "core staffing analysis."

To improve the County's sign variance process, OLO recommends that DPS:

- Draft procedures that set out the Sign Review Board's powers and duties for adoption by Council resolution;
- Provide variance applicants with a written copy of the Sign Review Board's decision and conditions of approval;
- Schedule regular meetings between DPS staff and Sign Review Board members to discuss policies and procedures; and
- Establish performance targets for hearing and deciding on variances.

OLO recommends that the Council ask the County Executive to explore the feasibility of: (1) conducting more proactive sign enforcement; and (2) changing the existing structure for hearing and deciding on sign variances. Changes to consider include using staff or a hearing examiner to review and decide on sign variances; or expanding the Sign Review Board to facilitate more frequent hearings.

TABLE OF CONTENTS

Page #'s

Executive Summary

Part I. Introduction	1
A. Authority	1
B. Scope and Organization	1
C. Methodology	2
D. Acknowledgements	2
Part II. The Sign Ordinance	3
A. Overview	3
B. Roles of DPS, Sign Review Board, & Board of Appeals	3
C. Categories of Signs	5
D. Sign Installer Licenses	7
Part III. Sign Approval Process	8
A. Sign Permit Process	8
B. Sign Permit Data Analysis	11
C. Sign Variance Process	14
D. Sign Variance Data Analysis	17
E. Revenue Received from Signs	19
Part IV. Sign Enforcement Process	20
A. Complaint Intake Process	20
B. Inspection/Enforcement Action	20
C. Other Enforcement Related Activities	22
D. Complaint Data Analysis	24
Part V. Participant Feedback	27
A. Customer Survey	27
B. Views of Sign Review Board Members	31
C. Views of Sign Volunteer	32
D. Views of DPS Staff	33
Part VI. Comparative Information on Variance Process	34
Part VII. Findings	38

Part VIII. Recommendations	45
---	-----------

Part IX. Executive Branch Comments on Final Draft	50
--	-----------

Attachments

Attachment 1: Summary of Sign Requirements	©1-3
Attachment 2: Illustrative Examples of Permanent, Exempt, and Prohibited Signs	©4
Attachment 3 Sign Variance Application Forms and Related Information	©5-12
Attachment 4: Sign Violation Sticker.....	©13
Attachment 5: Customer Survey Forms.....	©14-19
Attachment 6: Sign Variance Process in Five Other Jurisdictions	©20-21

LIST OF EXHIBITS AND TABLES

Exhibit Number	Exhibit	Page #
1	Sign Permit Process	9
2	Average Approval Time – FY 01 & FY 02*	12
3	Percent of Sign Permits Approved Within 10 days – FY 01 & FY 02*	13
4	Sign Variance Process	15
5	Percent of Variance Cases Heard by Next Available Board Hearing – FY 01 & FY 02	19
6	Percent of Sign Complaints Responded to Within 0-20+ Days – FY 01 & FY 02*	26
7	Percent of Sign Complaints Resolved Within 0-20+ Days – FY 01 & FY 02*	26
Table Number	Table	Page #
1	Sign Permit Applications Received by DPS – FY 01 & FY 02	11
2	Permanent Sign Permit Approval Rate – FY 01 & FY 02	11
3	Approval Rate for Limited Duration Sign Permits – FY 01 & FY 02	12
4	Sign Variance Applications: Number and Approval Rates – FY 01 & FY 02	17
5	Number of Variances Granted by Reason - FY 01 & FY 02	18
6	Revenue Received from Signs – FY 01 & FY 02	19
7	Sign Complaints Received – FY 01 & FY 02	24
8	Categories of Complaints Received - FY 01 & FY 02	24
9	Complaint Enforcement Action	25
10	Survey Respondents by Category	27
11	Customer Survey Results as a Percent	29
12	A Summary of Comparative Analysis Information	35

Part I. Introduction

A. Authority

Council Resolution 14-965, FY 2002 Work Program of the Office of Legislative Oversight, adopted July 24, 2001.

B. Scope and Organization of Report

This report examines the efficiency and effectiveness of Montgomery County's sign approval and enforcement process.

Part II. Background – Describes the purpose and intent of the County's Sign Ordinance, legislative history of ZTA 97007, categories of signs, and the minimum requirements for signs within the County. The section also outlines the mandated roles and responsibilities of Department of Permitting Services (DPS), Sign Review Board and Board of Appeals.

Part III. Sign Approval Process – Describes the steps in the sign permit and variance process, as carried out in practice. The part also analyzes data related to the workload and time taken to process sign permit and sign variance applications.

Part IV. Sign Enforcement Process - Explains the steps in the sign complaint handling process and analyzes data related to the workload and time taken to respond to and resolve complaints.

Part V. Participant Feedback – Presents the views of individuals involved in the sign approval and enforcement process. OLO collected feedback by way of telephone surveys from sign permit applicants, sign variance applicants, and complainants. OLO also obtained feedback from DPS staff, Sign Review Board members, and sign volunteers, by way of interviews, meetings, and other discussions conducted during the course of this study.

Part VI. Comparative Information on Variance Process– Provides a general description of the sign variance process carried out by five other jurisdictions surveyed by OLO.

Part VII. & Part VIII. Findings and Recommendations - Presents OLO's findings and recommendations.

Part IX. Executive Comments contains the written comments received from the County Executive on a final draft of the report.

C. Methodology

Scott Brown, Legislative Analyst and Research Assistants Benjamin Stutz and Shveta Srivastava, from the Office of Legislative Oversight (OLO) conducted this study. OLO gathered information for this project in numerous ways including document reviews, individual and group interviews, a customer survey, conversations with staff from other jurisdictions, and on-site observations of Departmental and Sign Review Board practices. OLO worked with Department staff to compile process, workload, and other program data. OLO staff consulted with senior management as well as line practitioners from DPS and the members of the Sign Review Board.

D. Acknowledgements

OLO received cooperation from everyone involved in this study. OLO appreciates the information shared and insights provided by all who participated in this project.

In particular, OLO thanks staff representatives from the Department of Permitting Services. OLO also thanks the three appointed members of the Sign Review Board. OLO greatly appreciates the time taken by individual applicants, complainants, and sign volunteers to meet and discuss the County's sign approval and enforcement process. Finally, a special thanks is owed to Division Chief, Reggie Jetter; Program Manager, Susan Scala-Demby; and Plan Reviewer, Roger Waterstreet of the Department of Permitting Services.

Part II. The Sign Ordinance

A. Overview

Chapter 59, Article F (Sign Ordinance) of the Montgomery County Code provides the legal framework for the County's sign approval and enforcement process. Chapter 59 is the County's Zoning Ordinance and Article F is typically referred as the Sign Ordinance.

The Sign Ordinance regulates the size, location, height, and construction of all signs placed for public view and authorizes DPS to enforce the provisions of the law. Chapter 59F establishes the Sign Review Board to hear and decide on variances from the County's sign law. The law also authorizes the Board of Appeals to hear and decide on appeals of decisions made by DPS or the Sign Review Board.

The stated aims of the Sign Ordinance are to:

- a) Encourage the effective use of signs;
- b) Promote the use of signs to identify buildings and geographic areas;
- c) Improve pedestrian and vehicle traffic safety;
- d) Promote the compatibility of signs with the surrounding land uses; and
- e) Maintain and enhance the aesthetic environment of the County while avoiding visual clutter.

In December 1997, the County Council approved a major overhaul of the County's Sign Ordinance. Zoning Text Amendment (ZTA) 97007 repealed and replaced the County's old sign law with a more user-friendly, consolidated, and restructured ordinance.

B. Roles of DPS, Sign Review Board, & Board of Appeals

Department of Permitting Services. DPS is the lead agency in the County's sign approval and enforcement process. Article F of the County's Zoning Ordinance authorizes the Department to:

- Review sign applications and determine whether to issue permits;
- Issue sign installer licenses;
- Inspect existing installed signs to determine compliance;
- Order the removal of any sign that is not in compliance;
- Revoke, suspend, or refuse to issue a sign permit or sign installer license; and
- Enforce the conditions and terms of a variance issued by the Sign Review Board.

According to DPS staff, employees assigned to the sign approval and variance process are cross trained to perform other tasks, not related to signs. The actual work involving the processing of sign permit and variance applications is performed by one work year, shared by a Permitting Services Specialist and a Permit Technician.

The responsibility for handling complaints about signs is shared among four full-time zoning inspectors (4.0 work years), who also investigate other zoning violation complaints.

Sign Review Board. The County's Sign Review Board was established in the late 1960s as a quasi-judicial body of County residents that hears and decides on variances from the County's Sign Ordinance. The Board consists of three members appointed by the County Executive and confirmed by the County Council. Members of the Sign Review Board are not compensated.

The law requires that each member be a resident of the County and serve a three-year term. In addition, section 10.2 of Chapter 59F stipulates that:

- One member be the operator of a business in the County;
- Another member be an Architect, licensed in the State of Maryland; and
- One member be appointed chair of the Board by the County Executive, subject to confirmation by the Council.

Under the law, the Board must meet at least once a month and provide written decisions to the Director of DPS within 10 days of a decision or action. The law requires the Director to provide staff support to the Sign Review Board and the County Attorney to serve as counsel to the Board. The Board may only exercise its powers when a quorum (two members) is present.

Section 10.2 (b)(1)(C) of Chapter 59F requires that the Board exercise its powers and duties according to the procedures adopted by Council resolution¹. The procedures must include:

- The keeping of records of meetings and hearings;
- The establishment of requirements for hearing notification;
- The orientation and training of new members;
- The issuance of an annual report of activities and accomplishments;
- Standards of conduct regarding conflict of interest;
- Standards of ethics; and
- The procedure for admission of evidence and testimony.

Roles and Responsibilities. The purpose of the Board is to hear and decide on sign applications that do not strictly meet the County's Sign Ordinance. An applicant who requests a variance must demonstrate to the Board that the strict application of the sign law imposes "practical difficulty, hardship, or significant economic burden." Section 10.2 of Chapter 59F provides the Sign Review Board the authority to grant or deny an application for a sign variance.

¹ Such a resolution has never been adopted.

The Board makes a decision to grant or deny a variance after taking into consideration:

- The size, shape, color, design elements, location, and cost of the proposed sign;
- The sign's compatibility with the surrounding property and characteristics of the area;
- The proximity of other signs; and
- Any relevant recommendations from the Maryland-National Capital Park and Planning Commission.

A person who requests a variance must notify the owners/residents of surrounding properties, local citizen associations registered with M-NCPPC, and any municipality or special taxing district, at least 15 days before the hearing.

Board of Appeals. The Board of Appeals is a quasi-judicial body that consists of five members appointed by the County Council. By law, the Board of Appeals has authority to hear and decide administrative appeals of certain Executive Branch actions, including decisions made by the Department of Permitting Services and the Sign Review Board. Under Section 10.3 of Chapter 59F, a person (permittee or non-permittee) can appeal any decision made in relation to a sign permit and or sign installer license to the Board of Appeals. The law requires that the Board of Appeals hears and decides the appeal de novo. An appeal needs to be filed, in writing, within 30 days of the Department's or Sign Review Board's final action.

C. Categories of Signs

Chapter 59F classifies signs in five categories: permanent; temporary; limited duration; prohibited; or exempt. Permanent signs, temporary signs, limited duration signs, and exempt signs are permitted in the County. However, the installation of these signs is regulated according to size, location, and number of signs permitted in any given zone (i.e., residential, commercial, industrial, and agricultural).

The tables (see attachment 1 at © 1-3) summarize the minimum requirements for a permanent, temporary, and limited duration sign as prescribed by the County's Sign Ordinance.

- 1. Permanent Signs.** A "permanent sign" is a sign intended to be displayed for an indefinite period of time and is constructed of robust materials that can withstand display. The installation of a "permanent sign" requires a permit from DPS. The permit fee for each sign is \$192.50. An electrical permit fee of \$110.00 is also required for illuminated signs. Attachment 2 (see © 4) illustrates examples of two types of "permanent signs"; a wall sign and a freestanding sign.
- 2. Temporary Signs.** A "temporary sign" is a sign that is displayed on private property for less than 30 days. "Temporary signs" are usually made of a non-permanent material like canvas, cardboard, paper or wood. A temporary sign does not require a permit; however, the date of its installation must be stipulated

on the sign. A person wishing to install a “temporary sign” longer than 30 days must apply for a permit for a permanent or limited duration sign. “Temporary signs” may only be installed on private property. Examples of signs that may fall within this category include political signs and yard sale signs.

3. **Limited Duration Signs.** A “limited duration sign” is a non-permanent sign displayed on private property for more than 30 days or within the public right-of-way on weekends only or for 14 consecutive days. Examples of signs that may fall within this category include political signs and home for sale signs.

“Limited duration signs” require a permit, which costs \$22.00 per sign. This category of signs is subject to the same requirements as a permanent sign (i.e., assessed according to size, location, and number). In addition, however; if a “limited duration sign” is in the right-of-way, the law stipulates:

- That an applicant may only install up to four signs; and
- That the signs are not allowed in a median strip or highway divider.

4. **Exempt Signs.** Examples of signs that are exempt from the requirements of the County’s Sign Ordinance include:

- Residential signs that are less than two square feet e.g., mailbox, warning or decorative signs;
- Signs that are not visible outside of a property; and
- Government signs that control traffic, and/or warn of danger, etc.

Attachment 2 (see © 4) illustrates an example of an “exempt sign.”

5. **Prohibited Signs.** The fifth category outlined in Chapter 59F is “prohibited signs.” The County Code **prohibits** the installation of the following types of signs:

- Signs considered *unsafe*;
- Signs containing *obscene* words;
- Signs installed on the *roof* of a building;
- Signs considered *abandoned* or *obsolete*;
- Banners or any other signs *moved by the wind*;
- Signs *obstructing* the view of traffic signs, oncoming traffic, etc.;
- Signs in the public *right-of-way* that do not have a permit; and
- Signs *attached to the property of others* without the owners’ permission;

Attachment 2 (see © 4) illustrates an example of a “prohibited sign.”

D. Sign Installer Licenses

Section 9.2 of Chapter 59F allows DPS to issue a business or person a license to install signs in the County². A licensed sign installer can obtain a permit to install a sign without having to go through the review process, provided the installer certifies that the sign(s) conform to regulations. A licensed sign installer is required to correct any violation of Chapter 59F with no additional charge to the owner of the sign.

DPS offers two types of Sign Installer Licenses: (1) Permanent Sign Installer Licenses and (2) Limited Duration Installer Licenses.

Permanent Sign Installer Licenses

- A person wishing to become certified to install “permanent signs” must attend nine hours of sign law training and pass an examination. Certification costs \$330 and must be renewed annually. A licensed sign installer can expect same day or next day turnaround on their sign permit applications. There are currently eight licensed permanent sign installers.

Limited Duration Sign Installer Licenses

- A person wishing to become certified to install “limited duration signs” must attend three hours of sign law training and pass an examination. Certified installers pay a \$165 annual fee and, in return, are able to install “limited duration signs” without paying the permit fee. A licensed limited duration installer can direct others in the installation of limited duration signs in accordance with the law. The installer though is responsible for any sign installed under the license. There are currently ten licensed limited duration sign installers.

² Note: This option did not exist before 1997.

Part III. Sign Approval Process

This section examines the sign permit and variance process followed by the Department of Permitting Services and the Sign Review Board. The section also analyzes data related to the workload and time taken to process sign permit and variance applications.

A. Sign Permit Process

A person wishing to install a permanent or limited duration sign is required, by law, to obtain a permit. The approval process commences when an application for a sign permit is filed with DPS. Exhibit 1 on the following page illustrates the process that occurs after DPS receives the application. The steps involved are as follows:

Step 1 – Preliminary Review of Application

To obtain a sign permit, an applicant submits to DPS a plan (drawn to scale) outlining a sign's dimensions; location on the property or building; and content/text. In addition, an applicant submits photographs of the proposed location of the sign and pays a permit fee of \$192.50 for each sign.

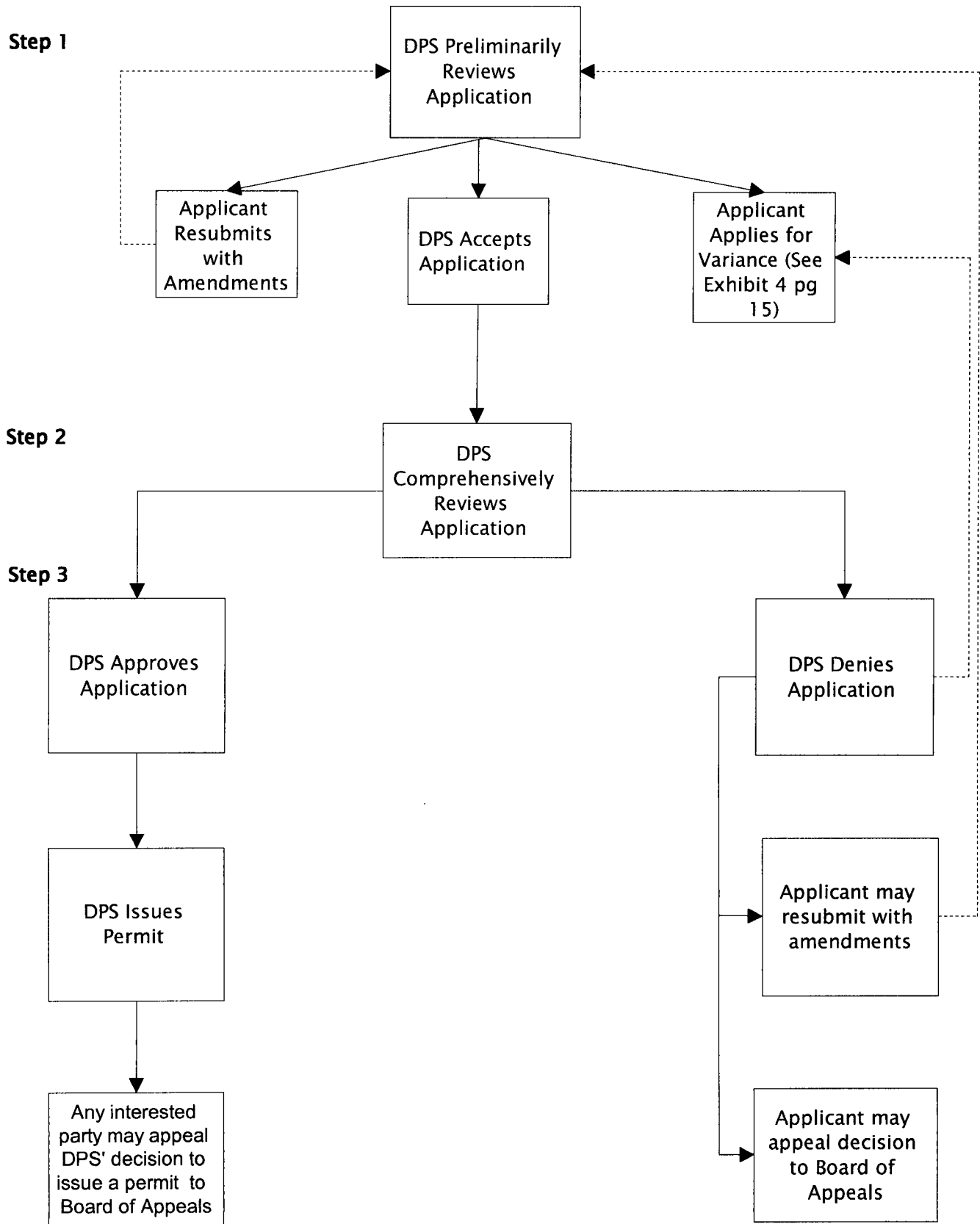
Before accepting an application, a Permitting Services Specialist conducts a preliminary assessment and determines whether the application meets the County's sign law. If the preliminary review reveals obvious non-conformity with the law, the applicant is advised to either:

- Resubmit a revised application that meets the County's requirements; or
- Apply for a variance from the County's sign law³. It is at this juncture that staff provide the applicant with the necessary information (see attachment 3 at © 5-12) to complete a variance application. The County's sign variance process is further explained at section C (page 14).

If accepted, the application is referred to a Permit Technician to enter the details of the application into the Department's computer system. The details include for example, name, address, contact numbers, date of application, and payment of fees, etc. Once the details are entered, the Permit Technician refers the application back to the Permitting Services Specialist.

³ Signs prohibited under the County's sign law are not eligible for a variance.

Exhibit 1: Sign Permit Process



Step 2 – Comprehensive Review of Application

At step 2, a Permitting Services Specialist compares the submitted application with the requirements of the law. The reviewer determines the property's zoning (i.e., residential, commercial/industrial, agricultural) and applies the relevant legal criteria (as outlined in attachment 1 at © 1-3) related to the type of sign proposed, i.e., freestanding, wall, entrance, canopy. The Reviewer typically examines a sign's:

- Height;
- Number;
- Square footage of area; and
- Location on the property or building.

Prior to making a final decision on the application, the Reviewer may request additional information, conduct an on-site inspection, and/or review related property files. If appropriate, the reviewer may also seek feedback from other agencies such as M-NCPPC. At this step, the conditions of approval are added.

Step 3 – Possible Outcomes

An application for a sign permit can either be granted or denied. If the application meets the requirements of the Sign Ordinance, it is **granted** and a permit is issued. In addition, for permanent signs, the Department issues a sign tag containing the sign's unique permit number, which the applicant affixes to the surface of the sign. The applicant may receive their permit and sign tag by regular mail or in person. A permit for a permanent sign is valid for the life of the sign, provided the sign remains installed in accordance with the conditions of approval.

Applications that do not meet the requirements of the sign law are **denied**. For such cases, the applicant may amend and resubmit the application; request a variance from the sign law (see section C, page 14 for a description on the County's sign variance process), and/or appeal the decision to the Board of Appeals⁴.

⁴ Any interested party may appeal a decision made by DPS in relation to signs to the Board of Appeals.

B. Sign Permit Data Analysis

This section presents FY 01 and FY 02 data on the number and length of time taken to review and decide on sign permit applications. OLO produced the tables and exhibits from information provided by DPS.

Table 1 below shows the total number of applications for permanent and limited duration sign permits received by DPS. (See pages 5 & 6 for the definition of permanent and limited duration signs.). The data indicate a similar number of sign applications received for both categories in FY 01 and FY 02. In both years, 90% of these applications were for permanent sign permits.

TABLE 1: SIGN PERMIT APPLICATIONS RECEIVED BY DPS - FY 01 & FY 02

Fiscal Year	Number of Applications by Type		Total
	Permanent	Limited Duration	
2001	513	49	562
2002	499	61	560
Total	1,012	110	1,122

Source: OLO/DPS, July 2002

Table 2 (below) and Table 3 (page 12) show the percent of permanent and limited durations sign permit applications approved and not approved in FY 01 and FY 02. Table 2 shows that overall, 90% of permanent sign applications were approved. Similarly, Table 3 indicates a high percent (85%) of limited durations sign applications were also approved. However, in FY 02, there was a 16% increase in the number of permanent sign applications and 25% increase in the number of limited duration sign permit applications not approved.

TABLE 2: PERMANENT SIGN PERMIT APPROVAL RATE – FY 01 & FY 02

Fiscal Year	Number of Applications Received	Percent Approved	Percent Not Approved
2001	513	98%	2%
2002	499	82%	8%
Total	1,012	90%	10%

Source: OLO/DPS, July 2002

TABLE 3: APPROVAL RATE FOR LIMITED DURATION SIGN PERMITS – FY 01 & FY 02

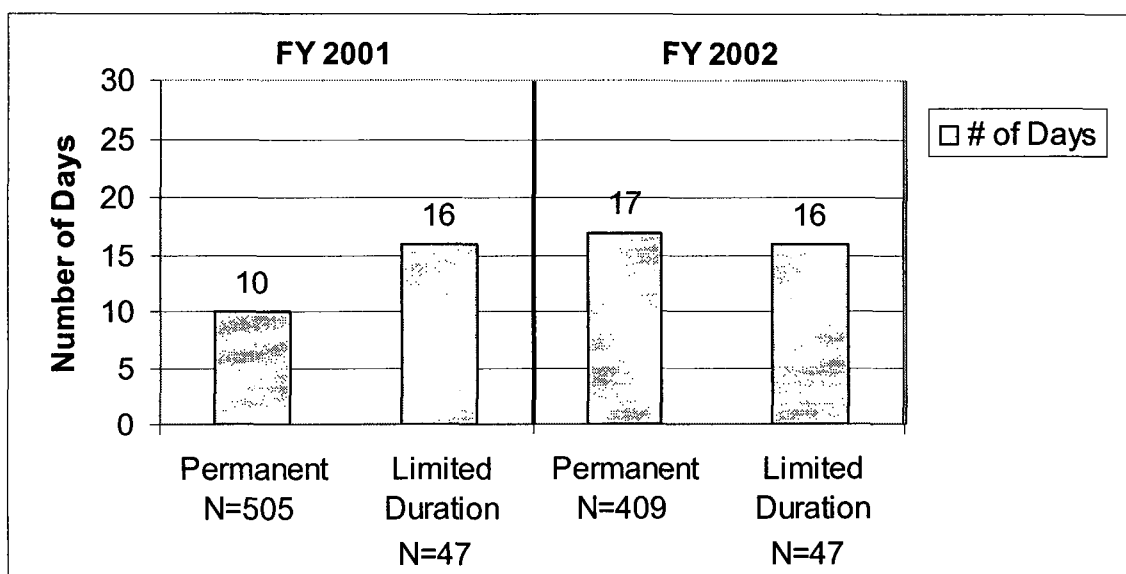
Fiscal Year	Number of Applications Received	Percent Approved	Percent Not Approved
2001	49	96%	4%
2002	61	77%	23%
Total	110	85%	15%

Source: OLO/DPS, July 2002

Processing Time for Sign Permits

DPS aims to review and decide on sign permit applications within approximately ten days⁵. Exhibit 2 (below) shows that in FY 01 it took DPS on average 10 days to process permanent sign permit applications and 16 days to process limited duration sign permit applications. In FY 02, however, the average process times for a similar number of applications increased to 17 days for permanent signs and remained at 16 days for limited duration signs.

In addition, Exhibit 3 (page 13) shows that the percentage of applications approved within ten days declined in FY 02. The data indicate that in FY 02, DPS only approved 55% of permanent sign applications and 40% of limited duration sign applications within the ten-day target.

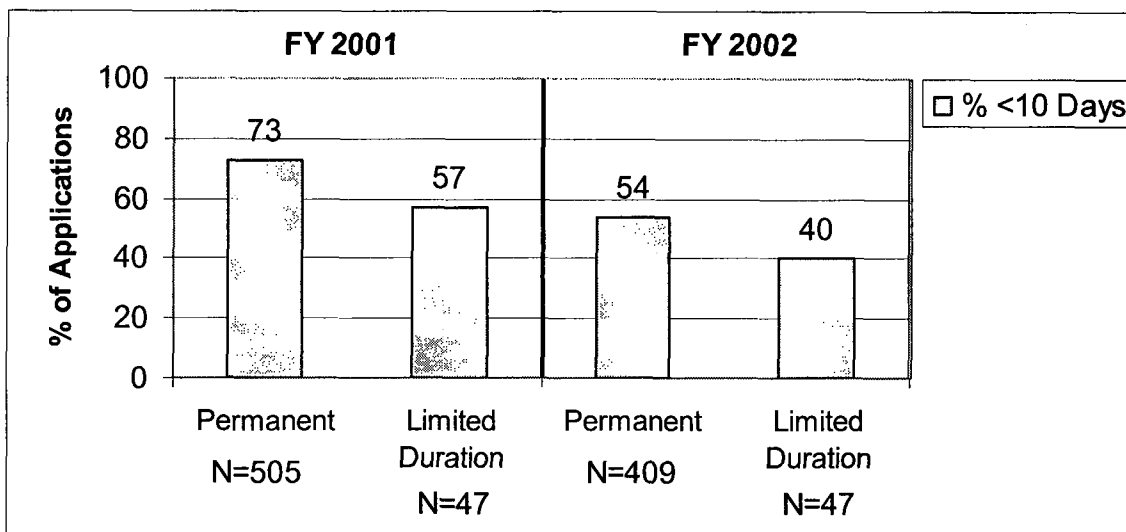
EXHIBIT 2: AVERAGE APPROVAL TIME - FY01 & FY02*

Source: OLO/DPS, July 2002

* Process times for non approved applications were not available. Approval time is based on calendar days.

⁵ Source: DPS' *Guide to Permitting Services*.

**EXHIBIT 3: PERCENT OF SIGN PERMITS APPROVED
WITHIN 10 DAYS – FY 01 & FY 02***



Source: OLO/DPS, July 2002

* Process times for non approved applications were not available. Approval time is based on calendar days.

C. Sign Variance Process

A sign variance is required when a proposed sign does not conform to the requirements of the County's Sign Ordinance. Exhibit 4 on page 15 illustrates the County's sign variance process.

Step 1 – Application for Variance

The variance process begins when an application for a sign variance is filed with DPS. To apply for a variance permit, an applicant must submit a copy of the following information:

- Sign variance application form (see attachment 3 at © 5-12);
- Photographs of the property indicating the location of the sign(s);
- Three drawings showing the dimensions and square footage of area for each sign; and
- A site plan showing the location and distance of the sign(s) from property lines.

For signs in the right-of-way, a variance application must also include approval from the relevant road authority, for e.g., State Highway Administration and/or the County's Department of Public Works and Transportation.

The fee per variance application is \$330, which includes a 10% automation enhancement fee.

If complete, the application is referred to a Permit Technician to enter application fees and other details (e.g., name, address, contact numbers, date of application etc) into the Department's computer system. The computer system assigns the application a unique case number. The Department then notifies the applicant, in writing, the date of the Sign Review Board's hearing. DPS staff instruct the applicant that he/she must notify the owners/residents of surrounding properties, local citizen associations, and any municipality or special taxing district of the variance application at least 15 days before the hearing. The applicant completes and forwards a verification form (attached at © 11) onto DPS.

Step 2 – The Hearing

The Sign Review Board hears and decides on variance cases on the second Thursday of every month⁶. Hearings start at 8:30 am and are conducted in the auditorium of the Council Office Building. The hearings are open to the public and are taped. According to DPS staff, the Board members receive a copy of the agenda and a summary of related case material seven days before the Board's hearing.

⁶ The Board does not meet in the month of August.

Exhibit 4: Sign Variance Process

Step 1

DPS Reviews
Submitted
Variance
Application

Step 2

Sign Review
Board Hears
Variance Case

Step 3

Sign Review
Board Denies
Variance

Applicant may
appeal decision
to Board of
Appeals

Sign Review
Board Grants
Variance

Sign Permit
Process Resumes
- See Exhibit 1
on page 9

Citizens may
appeal decision
to Board of
Appeals

At the hearing, the applicant must demonstrate to the Sign Review Board that the strict application of the County's Sign Ordinance imposes "practical difficulty, hardship, or significant economic burden." Some applicants choose to have a legal representative present their case.

The Board examines the impact of the variance on surrounding residences, businesses, and pedestrian and vehicular traffic. In making its decision, the Board hears and considers any objections raised by the community.

Depending on the complexity of the case, an assessment can take 20 to 90mins. A Sign Concept Plan is an example of a complex case:

- **Sign Concept Plans:** A sign concept plan is usually created for proposed large commercial developments when, the site's proposed signage does not meet the requirements of Chapter 59F. In most cases, a sign concept plan is developed when the proposed total signage area of the site exceeds the allowable amount of 800 square feet. A concept plan details the proposed number, location and square footage of all signs located on the site. Depending on the requested number of stage development approvals, the Board will examine a plan, during the course of two to three hearings. Once approved, a concept plan provides the applicant a clear direction on future permissible signage for the site. The Board hears and decides, on average, two to three sign concept plans a year.

Step 3: Possible Outcomes

The Board denies or approves the variance, at the hearing. DPS staff and Board members report that most variances are approved with conditions.

Examples of conditions attached to an **approved** variance application include the: deletion of signs; relocation of signs; reduction in square footage for particular signs; and reduction in the illumination intensity. The conditions of approval are hand written on the application form (at the time of the hearing) and if requested, a copy is handed directly to the applicant. Conditions remain in effect until such time as another variance is requested. If a variance is approved, the applicant is required to apply for the appropriate sign permits from DPS, prior to installing the sign. DPS report that unless a complaint is received, the Department does not know whether installation has commenced, prior to a permit issued.

If a variance is **denied**, the Board verbally advises the applicant on what amendments are required to obtain a variance. The applicant may then (a) resubmit the application to DPS with the suggested amendments, in which case another hearing is scheduled; or (b) appeal the Board's decision to the County's Board of Appeals. During FY 01 and FY 02, two administrative appeals resulting from decisions by the Sign Review Board were filed with the Board of Appeals. The record shows that the Board of Appeals granted one appeal and denied in part the other.

D. Sign Variance Data Analysis

This section presents FY 01 and FY 02 data on the number and length of time taken to review and decide on sign variance applications. OLO produced the tables and exhibits from information provided by DPS.

Table 4 (below) shows that over the past two fiscal years, DPS received and the Sign Review Board held hearings on 106 sign variance applications (49 in FY 01 and 57 in FY 02). The data show that the Board approved 90% of the variances, denied 6%, and 4% remain pending. Board members and DPS staff report that almost all variances approved are subject to various conditions related to the subject sign and/or other signs on the property⁷.

TABLE 4: SIGN VARIANCE APPLICATIONS: NUMBER AND APPROVAL RATES - FY 01 & FY 02

Fiscal Year	Number of Applications	Percent Approved	Percent Denied	Percent Pending
2001	49	90%	4%	6%
2002	57	89%	7%	4%
Total	106	90%	6%	4%

Source: OLO/DPS, July 2002

DPS records indicate that the commercial sector make up 75% of variance applicants, 13% are from private businesses, and the remaining 12% represent non-profit organizations (e.g., community groups and religious institutions). Over the past two fiscal years, the Board heard variance cases related to wall signs (48%); freestanding signs (39%); entrance signs (12%); and banner signs (1%).

Table 5 (page 18) lists the common reasons applicants applied for a variance. Nearly half of the variance applications in FY 01 and nearly a third in FY 02 concerned the location of a sign. The height of a sign was also a common reason in applying for a variance.

⁷ See page 16 for details on examples of conditions placed on variance applications by the Sign Review Board.

TABLE 5: NUMBER OF VARIANCES GRANTED BY REASON - FY01 & FY02

Reason for Variance	Number of Variances Granted		Percent of Total Number of Variances Granted
Fiscal Year	2001	2002	FY 01 - 02
Location of Sign	27	21	38%
Height of Sign	14	17	24%
Number of Signs	5	12	13%
Size of sign	8	8	13%
Illuminated Signs	1	7	6%
Signs in Right of Way	3	5	6%
Total	58*	70*	100

Source: OLO/DPS, July 2002

* There were 128 variances (58 in FY 01 & 70 in FY 02) granted from a total of 106 variance applications in FY 01 & 02. The difference is due to some applications requiring more than one type of variance.

Processing Time for Variances

OLO identified three distinct measurable time stages within the sign variance process:

- **Stage 1** represents the elapsed time between when DPS receives an application and the Sign Review Board's hearing.
- **Stage 2** represents the time it takes an applicant to resume the sign permit process, after receiving an approval of a variance from the Board⁸.
- **Stage 3** represents the time DPS takes to review and decide on the issuance of a sign permit, from an application subject to a variance.

To examine the time taken to complete the variance process, DPS provided OLO with data for a subset of cases in FY 01 and FY 02.

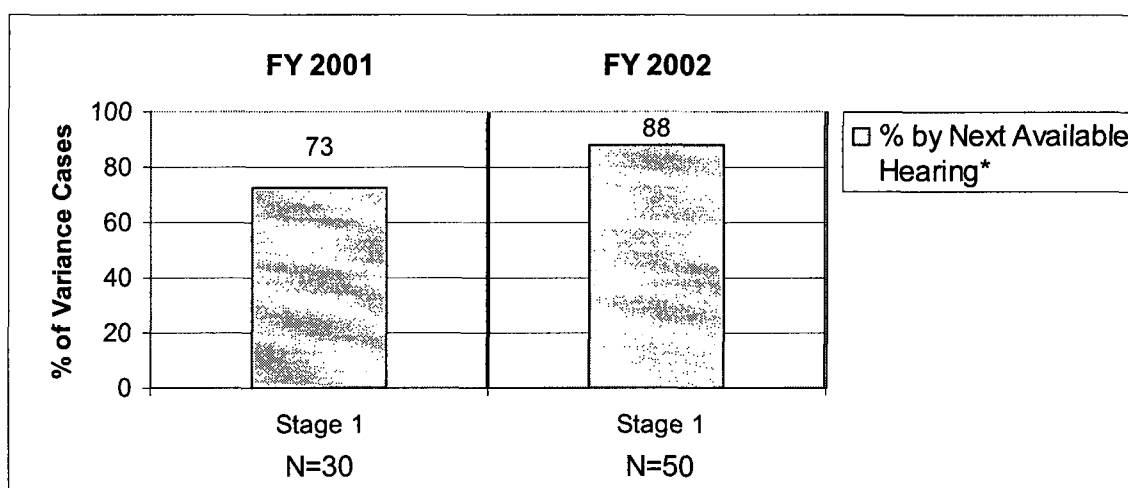
For stage 1, Exhibit 5 (page 19) shows that about 70% of variance applications received in FY 01 and 90% of applications received in FY 02 were scheduled in time for Board's next available hearing. The next available hearing ranged from 16 to 50 days. OLO determined that a variance application took on average 47 days in FY 01 and 33 days FY 02 to reach a hearing.

⁸ Neither DPS nor the Sign Review Board is responsible for the time taken by an applicant wishing to resume the sign permit process.

For stage 2, DPS provided a small number (39 of the total 106) of case data to analyze. OLO determined from this sample that an applicant on average took 65 days in FY 01 and 82 days in FY 02 to resume the permit process and apply for a sign permit.

Similarly, for stage 3, DPS provided a small number (44 of the total 106) of case data. OLO determined from these cases that it took DPS on average 10 days in FY 01 and 12 days in FY 02 to issue a sign permit. These averages are similar to the length of time taken to process sign permit applications, not subject to a variance.

EXHIBIT 5: PERCENT OF VARIANCE CASES HEARD BY NEXT AVAILABLE* BOARD HEARING – FY 01 & FY 02



Source: OLO/DPS, July 2002

*The next available hearing ranged from 16 to 50 days.

E. Revenue Received from Signs

Table 6 below shows the total revenue DPS received from sign permit applications and variance applications in FY 01 and FY 02. The data show revenue increased \$18,000 or 20% over the \$93,000 received in FY01. DPS staff report that the increase is due to the collection of fees in FY 02 for variances submitted in FY 01. (For a further explanation see Executive Branch comments on page 51).

TABLE 6: REVENUE RECEIVED FROM SIGNS – FY 01 & FY 02

Source	FY01	FY02*	% Increase FY 01 to FY 02
Sign Permits	\$82,118	\$90,439	9%
Sign Variances	\$10,500	\$20,660	97%
Total	\$92,618	\$111,099	20%

Source: OLO/DPS, July 2002

* Does not include final 3 weeks of FY02 revenue.

Part IV. Sign Enforcement Process

This section explains the steps in the sign complaint handling process. The section also analyzes data related to the workload and time taken to respond to and resolve complaints.

A. Complaint Intake Process

DPS accepts sign complaints by telephone, letter, fax, e-mail, or in person. The Department's Division of Casework Management is responsible for recording the details of all sign complaints. Division staff enter data into a computerized database, print out the details of each complaint, and refer each case to Zoning Enforcement staff for further investigation.

In addition to this intake process, the Division of Casework Management maintains a complaint hotline to record complaints about land use related activities (including complaints about signs). The hotline is an answering machine that asks callers to provide details of the type, nature, and location of the complaint, the caller's name, address, and day-time contact numbers. The caller is advised that his/her identity will be kept confidential. DPS' procedures require that a Permit Technician call and inform the complainant of the name and cell phone number of the investigator assigned to his/her case, within 24 hours.

B. Inspection/Enforcement Action

According to DPS' Performance Improvement Plan⁹, the Department aims to respond to all sign complaints within three days of receipt. Each complaint is assigned among four (4.0 work years) Zoning Enforcement staff, who are also responsible for other Zoning Code complaint investigations. According to DPS, assignments are made based upon the location of the complaint. In addition, complaints about signs on properties subject to a special exception are referred to the Department's two Zoning Inspectors, who specialize in special exceptions.

DPS report that the first step in complaint handling is to contact the complainant by telephone in order to verify and discuss the details of the complaint. In many cases, the inspector must also research how the County's Sign Ordinance applies to a particular property. For example, the inspector may need to review records to ascertain:

- The legal requirements or the conditions of approval;
- Previous complaints for the property recorded in the complaint database; and
- The sign permit history for the property.

⁹ Prepared in March, 2002.

The second step in complaint handling is a visit to the property to observe the conditions that are the basis of the complaint. The inspector will discuss with the alleged violator (if possible) the condition and explain the law.

According to DPS, in all cases except those that pose a clear public health or safety threat, when an inspector determines that a sign violation exists, it is the inspector's discretion that determines the County's immediate intervention. The inspector's options are to:

- Issue a Notice of Violation;
- Issue a Stop Work Order;
- Issue a Civil Citation; or
- Issue an oral warning/instruction.¹⁰

According to DPS staff, temporary or limited duration signs¹¹ illegally installed in the public right-of-way are considered a public health or safety threat and are immediately removed by staff and disposed. For signs that are physically difficult to remove, DPS staff contact and direct the owners to remove the sign within 24-48 hours. Owners are fined \$500 if the sign is not removed within the time frame.

For non-emergency conditions, the inspector decides how many days are appropriate to bring the violation into compliance. The time period may vary depending on whether the property owner needs to obtain a sign permit. After the time period has elapsed, the inspector will re-inspect the property to determine whether the condition has been corrected. If the property owner has not contacted the inspector and has not abated the condition, the inspector may issue a formal Notice of Violation or a civil citation. According to staff, repeat offenders may automatically receive a \$500 civil citation.

Alleged violators can appeal DPS enforcement actions. A sign owner who receives a Notice of Violation has the option of following the orders in the notice, ignoring the notice, or filing an administrative appeal with the Board of Appeals. An appeal with the Board of Appeals must be filed within 30 days of the date the Notice of Violation is received. In addition, the County's general practice is not to take any enforcement action until the appeal process is complete.

¹⁰ When the inspector opts for issuing an oral warning, the inspector will typically give the violator a short time frame (24 to 48hrs) within which he/she must bring the sign into compliance.

¹¹ See pages 5-6 for a definition of each category.

C. Other Enforcement Related Activities

Sign Volunteer Program. In 1996, DPS established the Sign Volunteer Program. The stated purposes of the program are: “to educate the community about ways to solve potential sign problems; to provide citizens with an opportunity for community involvement; and to supplement the Department’s sign enforcement efforts.”

To initiate the program, the Department sent out a press release and letters to all homeowner and civic associations seeking volunteers. The Department received a favorable response and posted application forms to interested citizens. Applicants were interviewed, selected, and trained in the County’s Sign Ordinance. Over the last six years, the

Department has trained 39 citizens and today, there are a total of 15 volunteers (five continuously active) throughout the County.

Sign volunteers conduct surveys of assigned geographic areas and identify violations of the County’s Sign Ordinance. The volunteers are trained to inform sign owners about the County’s sign law and help owners find an alternative legal solution. Volunteers are authorized to remove illegal signs from the public right-of-way. In cases where compliance cannot be achieved, the sign volunteer will refer the case to DPS. Volunteers are required to keep a log of their contacts and site visits.

Sign Sweeps. To reduce the number of illegal signs in the public right-of way, the Department conducts a series of County-wide “sign sweeps,” each year. The Department devotes one business day to survey, collect, and dispose illegal signage from a specific County region. For signs that are physically difficult to remove, DPS staff contact and direct the owners to remove the sign within 24-48 hours.

For 2002, the Department has conducted three of the five proposed sign sweeps, resulting in the collection and disposal of:

- 279 signs from Bethesda/Chevy Chase;
- 186 signs from the Mid-County region; and
- 62 signs from the Up-County region.

Violation Stickers. The Department is currently piloting the use of a “violation” sticker (see attachment 4 at © 13) as an alternative enforcement action for signs illegally installed in the right-of-way. The sticker is pasted over the business’ contact details, rendering it useless. The sticker states that the sign is illegal and subject to a \$500 fine. The Department’s contact details are also included on the sticker.

DPS staff report that they monitor the signs for ten days to see what action takes place. According to staff, owners will either remove their signs or contact the Department to obtain information on the requirements of the County's Sign Ordinance. DPS staff report that if the signs are not removed within the ten-day timeframe, the Department will remove the sign or fine the owner \$500 per sign. According to DPS, the pilot will be completed by the end of September, and if successful, the violation sticker will become a permanent enforcement tool for Zoning Enforcement staff and the sign volunteers.

Standards for Neighborhood Signs. The Department of Housing and Community Affairs (DHCA) provides funding to neighborhoods associations to install signs that enhance community identity.

Neighborhood signs are typically placed in the right-of-way, and therefore require a variance from the County's Sign Ordinance. To assist residents through the sign variance process, DHCA, DPS, and the Sign Review Board are establishing guidelines for neighborhood signs. The guidelines address such issues as location, size, materials, color, landscaping, and lighting. DPS staff report that the guidelines will be finalized and circulated to relevant applicants by the end of October.

Sign Awards Program. In consultation with the Sign Review Board and the Department of Public Works and Transportation, DPS has initiated a sign awards program. The stated purpose of the program is:

- To recognize business owners, building managers, building developers, community organizations, designers and sign companies for exemplary work in Montgomery County in sign design;
- To heighten awareness of excellence in sign design; and
- To improve signage generally by promoting positive examples.

The award categories are: retail and commercial entities; shopping centers and building complexes; sign concept plans; and signs in residential zones. DPS will announce the sign award winners at a ceremony in fall 2002.

D. Complaint Data Analysis

Workload Data. Table 7 below shows the number of sign complaints DPS received in FY 01 and FY 02. The data show that in the past two fiscal years, DPS received 554 sign complaints. The 301 complaints received in FY 02 represented a 19% increase over the 253 complaints received in FY 01.

TABLE 7: SIGN COMPLAINTS RECEIVED – FY01 & FY02

Fiscal Year	Number of Complaints Received
2001	253
2002	301
Total	554

Source: DPS, July, 2002

Table 8 below shows a breakdown of complaints, by category, received during the past two fiscal years. The data show that about half of the sign complaints are categorized as other. DPS staff report that about 50% of these “other” complaints relate to the right-of-way. Table 8 also shows that about 20% of complaints were about the location, size, aesthetic, and/or number of signs on a given property.

TABLE 8: CATEGORIES OF COMPLAINTS RECEIVED – FY01 & FY02

Fiscal Year	Total Number	Right-of-Way	Installed without permit	Location, Size, Aesthetic & Number	Other*	Total Percent
2001	253	14%	13%	27%	46%	100%
2002	301	10%	14%	10%	66%	100%
Total	554	12%	14%	18%	56%	100%

Source: DPS & OLO, July 2002

* DPS staff report that 50% of these “other” complaints relate to the right-of-way.

Table 9 (page 25) sorts the total number of complaints into two categories: complaints that resulted in the issuance of a Notice of Violation, Stop Work Order, or Civil Citation; and complaints that did not result in the issuance of a Notice of Violation, Stop Work Order or Civil Citation. According to DPS, this second category represents cases where either: (1) a DPS inspector conducted an investigation and found no violation; or (2) a DPS inspector conducted an investigation and found that a violation existed, but was able to achieve compliance through the issuance of an oral warning/instruction.

TABLE 9: COMPLAINT ENFORCEMENT ACTION

Fiscal Year	# of Complaints Received	Complaints that did not result in the issuance of Notice of Violation, or Civil Citation*		Complaints that resulted in the issuance of Notice of Violation, or Civil Citation**	
		Number	Percent	Number	Percent
2001	253	206	81%	47	19%
2002	301	241	80%	60	20%
Total	554	447	81%	104	19%

Source: OLO & DPS, July 2002

* Includes cases where DPS inspector found no violation as well as cases where a DPS inspector found a violation but used his/her discretion to seek compliance by issuing an oral warning/instruction instead of by issuing a written Notice of Violation, Stop Work Order, or Civil Citation.

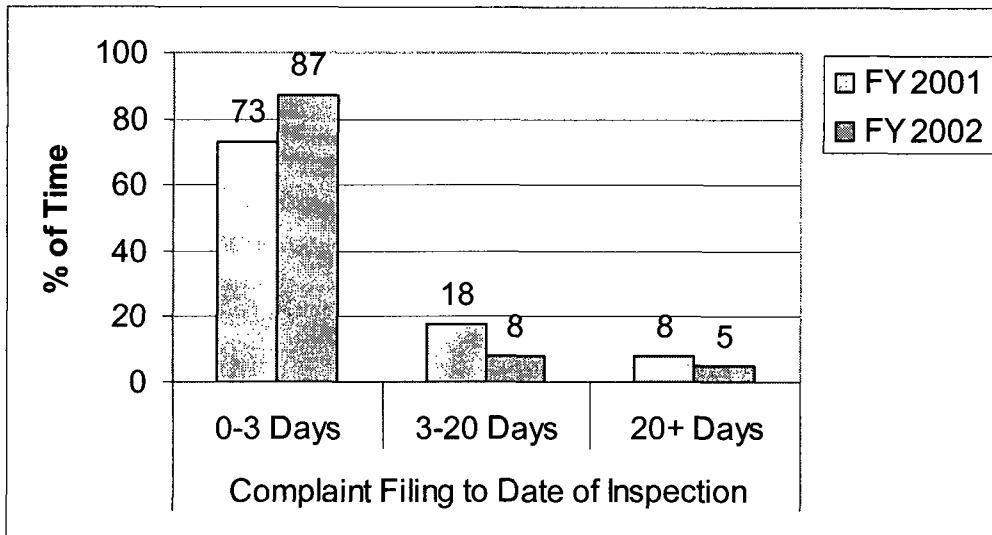
** Data were unavailable to determine how many civil citations resulted in court action. According to DPS staff, many civil citations result in court dates being set, however cases are usually settled prior to a hearing date, canceling any impending court action.

In sum, Table 8 shows that during the past two fiscal years, DPS inspectors issued a Notice of Violation, Stop Work Order, or Civil Citation for approximately 20% of sign complaint cases. According to DPS, this pattern exists because many people are willing to remedy a violation once an inspector orally informs them of the violation and instructs them what they need to do.

Time Analysis. Exhibit 6 (page 26) shows the response time for initial contact with a person lodging a sign complaint in FY 01 and FY 02. The data indicate that the DPS' initial response time for the largest number of complaints in FY 01 and FY 02 occurs within three days. The percent of complaints that fall into this three-day category exceed 70% in FY 01 and 80% in FY 02. The chart also indicates that despite the increase in complaint cases in FY 02, DPS were able to respond to a greater number of cases within three days, compared to FY 01.

Exhibit 7 (page 26) also shows that in FY 02, DPS resolved more complaints within three days than it had done in FY01. The exhibit also indicates that if a complaint is not resolved within three days, it is quite likely that resolution will take longer than twenty days. Approximately, 50% of the complaints in FY 01 and 25% of complaints in FY 02 fall into this category. The Department considers a sign complaint resolved when the inspector deems the subject sign to be in compliance. If an initial investigation does not determine that a violation exists, then the complaint is also considered resolved.

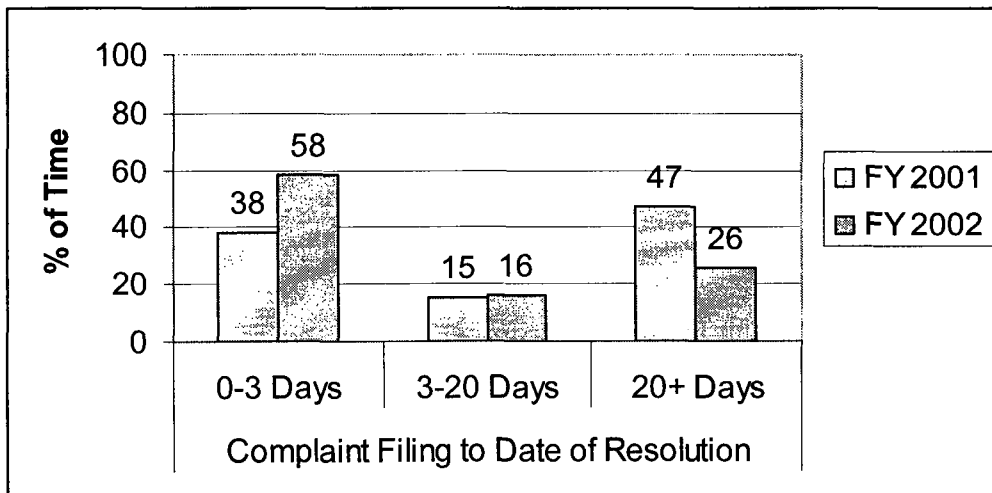
**EXHIBIT 6: PERCENT OF SIGN COMPLAINTS RESPONDED TO WITHIN
0-20+ DAYS – FY 01 & FY 02***



Source: OLO, July 2002

* FY 01: N= 49; FY 02 N=60

**EXHIBIT 7: PERCENT OF SIGN COMPLAINTS
RESOLVED WITHIN 0-20+ DAYS – FY 01 & FY 02***



Source: OLO, July 2002

*FY 01: N=48; FY 02: N=53

Part V. Participant Feedback

OLO collected feedback by way of telephone surveys from sign permit applicants, sign variance applicants, and complainants.¹² OLO also obtained feedback from DPS staff, Sign Review Board members, and sign volunteers, by way of interviews, meetings, and other discussions conducted during the course of this study.

A. Customer Survey

OLO staff conducted 40 telephone surveys with individuals randomly selected from three categories of DPS' computer records. (Customer survey forms are located at attachment 5, see © 14-19.). The survey asked participants to rate a number of aspects of the County's sign approval and enforcement process, including their overall experience with DPS and/or the Sign Review Board.

The three categories and numbers of customers surveyed were:

Group 1: Sign Permit Applicants – individuals who had received a permit from DPS to install a sign that did not require a variance from the County's sign ordinance (17 respondents).

Group 2: Sign Variance Applicants – individuals who went before the Sign Review Board to receive a variance from the County's sign ordinance (9 respondents).

Group 3: Complainants – individuals who had filed a sign complaint with DPS participated in the survey (14 respondents).

TABLE 10: SURVEY RESPONDENTS BY CATEGORY

Respondent Category	Permit Applicants		Variance Applicants		Complainants	
	%	#	%	#	%	#
Sign Installer Contractor	76	13	78	7	0	0
Business owner	6	1	0	0	14	2
Homeowner	0	0	0	0	43	6
Community/Church Group Representative	12	2	11	1	29	4
Engineer, public agency representative, developer and others	6	1	11	1	14	2
Total	100%	17	100%	9	100%	14

Source: OLO, July 2002

¹² OLO also wished to seek feedback from alleged violators; however, contact details for this group were not readily available.

Note: Given the relatively small number of survey participants, OLO cannot determine the extent to which the results accurately represent the views of the total population. However, the survey results provide interesting anecdotal information; and the suggestions for improvement can still be examined for common themes across the groups. However, the results are not statistically significant. This section presents the results (see Table 11 page 29) and themes identified.

Customer Survey Results

In a variety of areas, the customer survey asked respondents to rate their experience as: Excellent; Good; Satisfactory; or Poor. The “No Opinion” option was also offered¹³. The results displayed in Table 11 (page 29) are grouped according to these categories.

Sign Permit Applicants. Over half of the sign permit applicants surveyed reported an overall positive experience with DPS. An additional 20% of respondents rated their experience with DPS as *satisfactory*. Survey respondents rated DPS staff favorably on characteristics such as overall professionalism and knowledge.

When asked to rate the time it took to complete the approval process from first contact with DPS until final inspection, 41% of sign permit applicants rated the sign permit process as *satisfactory*. However, an equal number of respondents rated the length of processing time as *poor*; and about half of respondents also reported that fees were not reasonable.

Sign Variance Applicants. About three quarters of sign variance applicants surveyed rated their overall experience and interactions with DPS and the Sign Review Board as either *excellent* or *good*. The respondents felt that members were professional, polite, respectful, and treated them fairly.

The majority of respondents thought the fees were *excellent* or *satisfactory*, and rated the time taken to process a sign variance as either *satisfactory* or *good*. Also, over 50% of respondents evaluated Montgomery County’s sign approval process as *better* or *the same* as other jurisdictions.

Complainants. Over half of the complainants surveyed reported an overall positive experience with DPS and over half rated the length of processing time as *excellent* or *good*. However, nearly 30% of respondents rated their overall experience as *poor*. The majority (80%) of complainants surveyed did not have any experience with other jurisdictions.

¹³ The response categories to the question on how Montgomery County’s sign approval and enforcement process compares with other jurisdictions question were: Better; Same; Worse; No Experiences with Other Jurisdictions; and No Opinion.

TABLE 11: CUSTOMER SURVEY RESULTS AS A PERCENT

How do you rate your overall experience with DPS?	Permit Applicants N=17	Variance Applicants N=9	Complainants N=14
- Excellent	18%	33%	7%
- Good	35%	44%	43%
- Satisfactory	24%	22%	21%
- Poor	23%	0%	29%
- No Opinion	0%	0%	0%
Total	100%	100%	100%
How do you rate the time to complete the sign approval and/or enforcement process?			
- Excellent	6%	0%	29%
- Good	11%	55%	36%
- Satisfactory	41%	33%	14%
- Poor	41%	11%	14%
- No Opinion	0%	0%	7%
Total	100%	100%	100%
How do you rate your interaction with DPS staff and Sign Review Board members?			
- Excellent	35%	33%	21%
- Good	41%	44%	71%
- Satisfactory	18%	22%	7%
- Poor	6%	0%	0%
- No Opinion	0%	0%	0%
Total	100%	100%	100%
How do you rate the reasonableness of the fees?			
- Excellent	6%	44%	N/A
- Good	23%	0%	N/A
- Satisfactory	18%	44%	N/A
- Poor	47%	0%	N/A
-No Opinion	6%	12%	N/A
Total	100%	100%	N/A
How do you think Montgomery County's sign approval and enforcement process compares with other jurisdictions?			
- Better	12%	56%	7%
- Same	35%	11%	7%
- Worse	29%	11%	7%
- No experience with other jurisdictions	24%	11%	79%
- No Opinion	0%	11%	0%
Total	100%	100%	100%

Themes for improvement. The survey asked for suggestions to improve the County's sign approval and enforcement process. The common themes fell into four categories: decrease approval time; amend the law; improve communication/education; and conduct proactive rather than reactive enforcement.

1. **Decrease approval time.** Comments related to decreasing the time taken to review and decide on sign permit came mainly from Sign Permit Applicants. To decrease approval time, respondents suggested:
 - Increasing the number of sign approval staff;
 - Streamlining the process;
 - Ensuring that information relayed is consistent; and
 - Having one individual work with the customer throughout the approval process.
2. **Amend the Sign Ordinance.** Sign Permit Applicants and Sign Variance Applicants felt that the current law is complicated, lacks clear guidelines, and is difficult to understand. Participants thought that the ordinance required amending to make it easier to interpret and less restrictive.
3. **Improve Communication/Education.** Complainants (and a few Sign Variance respondents) would like to see the line of communication between DPS staff and customers improved. The participants felt that accessing staff, at times, was difficult and that Department staff should be more accessible.¹⁴

In addition, Complainants felt that DPS should do more education outreach to the community. Common suggestions include:

- Making sign law brochures available at public areas, e.g. libraries; and
 - Educating homeowners/business owners of sign laws prior to moving in or opening a business.
4. **Strengthen enforcement program and conduct proactive enforcement.** Complainant respondents felt that DPS needs to be more aggressive in the enforcement of the County's sign laws. Common suggestions include:
 - Monitoring areas that generate repeat complaints;
 - Conducting weekend enforcement patrols;
 - Withholding building permits to ensure builders comply with sign law; and
 - Employing part-time individuals (for e.g., college students) to monitor signs.

¹⁴ According to DPS, the Department provides the customer with the appropriate staff's cell phone number.

B. Views of Sign Review Board Members

OLO interviewed two of the three current members of the Sign Review Board. The members expressed general satisfaction with the sign variance process. They also offered several ideas to make the variance process more efficient.

The Board members believed that the Board is truly independent of DPS to hear and decide on variance applications. The members appreciated the technical assistance and other support provided by the Department. Recognizing that there is always room for improvement, the members agreed that DPS does a good job of providing copies of the agenda and related materials in advance of the hearing, and ensuring that the hearing room is set up correctly.

Members noted that the majority of the Board's work consisted of variances related to commercial office space; religious organizations; gas stations; and community organizations. One member reported that the Board always takes into consideration the possible impact of the variance and endeavors to make consistent decisions, accordingly.

OLO asked the members for their suggestions to improve the current variance process. Their responses are classified as either administrative or legislative improvements:

Suggested Administrative Improvements:

Consistency of Applications. The members reported that better prepared applications would make their job easier. According to the members, the Board hears a substantial number of applications that do not explain the need for a variance; are unreadable; and/or contain drawings not to scale. Ideally, the members would like to see applications of a consistent quality. To help make this happen, the members suggested revising the application forms to include minimum requirements and scrutinizing variance applications more closely at the time of filing.

The Hearing. One member stated that he would like to spend more time examining a variance application at the time of the hearing. He stated, however; the current case workload dictates less time to examine each case. He believed that applications are becoming increasingly complicated and consequently more time consuming to examine. In addition, the packages received by members in advance of the hearing are summaries of a larger application. He also reported that previously, some Board members conducted onsite inspections of properties subject to a variance, prior to the hearing. This no longer occurs.

Members also believed that the Board's decisions are not well documented and unless requested, the applicant does not receive a copy of the approval conditions. Members stated that the conditions of approval are hand-written on the reverse side of the application form at the time of the hearing and handed directly to the DPS staff representative. Members believed that applicants should receive formal written correspondence outlining the approval conditions, as soon as possible after the hearing.

Training & Enforcement. OLO asked the members how they gained knowledge on the County's Sign Ordinance. The members reported that they gained knowledge of the law on the job and that current and future members would benefit from formal sign law training.

The members believed that the County does not carry out any enforcement to ascertain whether the installation of a sign is in accordance with the Board's conditions of approval. In addition, the members reported that they would appreciate a better line of communication on County initiatives affecting the Board, for e.g., the amendment of the Sign Ordinance to provide more flexibility to urban renewal projects and the Department of Housing and Community Affairs (DHCA) community sign program¹⁵.

Suggested Legislative Improvements:

One member believes that the existing sign law does not adequately address today's concept of office buildings. He stated that office space is often occupied by multiple businesses that are promised equal advertisement rights as other tenants. Invariably businesses will require a variance to install signage on an office building that is already at the legal limit, forcing owners to apply for a variance for every tenant. The Chairman also believed that the permissible amount of signage for retail and commercial businesses is too generous. Members felt that the County needed to think of innovative ways of addressing these issues and amend the Sign Ordinance, accordingly.

C. Views of Sign Volunteers

OLO interviewed two of the five currently active sign volunteers. OLO asked the volunteers for their suggestions on ways to improve (if necessary) the current sign enforcement process.

Both volunteers expressed concern about the lack of self-initiated enforcement by DPS on illegal signs. One volunteer believed that DPS requires more field staff to carry out proactive enforcement. He believed with additional staff, DPS could audit commercial districts known to have illegal signs. However, the other volunteer interviewed believed a change in enforcement philosophy, rather than additional staff is required. The volunteer thought that DPS should issue more fines for illegal signs; sending a clear message to the community that the Department is serious and committed to enforcing the County's sign law.

Both volunteers believed that more community education on signs is required. The volunteers suggested advertising the sign laws in the chamber of commerce and with various trade groups.

¹⁵ DPS report that a joint DPS, DHCA, and Sign Review Board initiative, Standards for Neighborhood Signs, helps address this concern (see page 23).

D. Views of DPS Staff

OLO interviewed three DPS staff members involved with the sign review and approval process. OLO asked the interviewees to discuss whether the County's sign approval and variance process was effective and efficient.

In sum, the DPS staff interviewed agreed that the current sign approval process is effective in carrying out the intent of the County's sign ordinance, but that there is room for improving its efficiency. In particular, they concurred that the process could be expedited if there were more than a single plan reviewer assigned to review and decide on sign permit and variance applications.

With respect to sign variances, the DPS staff members interviewed agreed that the once-a-month meeting schedule of the Sign Review Board hinders the efficiency of the review and approval process. This could be remedied if the Board increased the frequency of its meetings, especially in the month following the Board's summer recess.

The interviewees identified (without endorsing) several structural alternatives that the County might want to consider for approving sign variances. Specifically, one alternative is to assign DPS staff the authority to decide on variance applications. A second alternative is to engage a hearing examiner to hear and decide on variance applications, a process that would be similar to how DPS currently handles parking waivers¹⁶. Staff noted that the fiscal impact of these options needs further examination.

The interviewees agreed that the sign enforcement process is not as effective or efficient as the sign approval process. Other than the 'sign sweep' program (see page 22), the Department does not conduct routine proactive enforcement of the Sign Ordinance. The interviewees also reported that the Department does not have the resources to ascertain whether a sign has been installed in accordance with the Department's or Sign Review Board's conditions of approval. To carry out proactive enforcement, the interviewees, once again, recommended recruiting additional staff to the Department's zoning enforcement program.

¹⁶ The hearing examiner for the parking waiver process is a senior manager within DPS.

VI. Comparative Information on Variance Process

This chapter describes how five other jurisdictions process sign variance applications. This section also provides the observations OLO staff learned from the comparative information.

The jurisdictions are:

- Anne Arundel County, Maryland
- Baltimore County, Maryland
- Fairfax County, Virginia
- Howard County, Maryland; and
- King County, Washington

Attachment 6 (see © 20-21) describes the five jurisdictions' sign variance process in detail. Table 12 on page 35 provides a summary of the general characteristics identified.

TABLE 12: A SUMMARY OF COMPARATIVE INFORMATION

County	Sign Variances Heard By:	Sign Variance Application Fee	Approx. # of Sign Variances Heard Each Year	Approx. % of Variances Approved	Approx. # of Workyears Involved in Variances	Sign Variance Decisions Appealed to:
Montgomery County, MD	Sign Review Board	\$330	50	85-90%	1	Board of Appeals
Anne Arundel County, MD	Office of Administrative Hearing	\$125 (R)* \$200 (C)*	400	80%	3	Board of Appeals
Baltimore County, MD	Zoning (or Deputy) Commissioner	\$ 50 (R)* \$250 (C)*	300-350	70%	1	Board of Appeals
Fairfax County, VA	Planning Commission & Board of Supervisors	\$2,970	4	100%	< 1	Circuit Court
Howard County, MD	Hearing Examiner	\$310 per sign	60	85%	3	Board of Appeals
King County, WA	Department Staff	\$3,000	2	100%	< 1	Hearing Examiner

Source: OLO, June, 2002

* (R) =Application fee for signs in residential zones and (C) = Application fee for signs in Commercial or Industrial zones.

Observations. The intricacies of the sign variance process differ from each jurisdiction; however, OLO identified that the jurisdictions surveyed have the following similarities in their variance approval process:

1. Staff review sign variance applications, at the time of filing, to ensure that the correct and required documentation is submitted. This step assists in the timeliness of approval.
2. If “acceptable,” an application is logged into an automated system; assigned a unique case number and forwarded to other departments/agencies for comment.
3. Properties surrounding the subject property are notified (usually by way of letter) of the proposed variance. For most of the jurisdictions, notification must take place 15 days prior to the hearing.
4. Staff and community comments (either written or in testimony) are considered at a public hearing. In King County, applications are reviewed and decided on internally – however community comments are still placed in writing and sent to the staff reviewer.
5. The majority of variances are approved subject to conditions. Any decision made by the hearing/examining party can be appealed to an appropriate oversight body, such as a Board of Appeals.
6. Once a variance is granted, an applicant may resume the sign permit process.
7. The permitting agency carries out a compliance inspection to ensure that the sign is installed in accordance with the conditions of approval.

Finally, a common theme evident with all jurisdictions was a commitment to providing effective and timely customer service. Each jurisdiction perceived customer satisfaction essential and a measurement of best practices.

Lessons Learned. The comparative information shows that:

- Four of the Counties utilized a third party, external to permitting agency to hear and decide on variance applications. The hearing is always conducted in a public setting. Staff agreed that this approach sends a strong message that their variance process is open and independent of the permitting agency. Staff also shared that a third party review adds value to the review process.
- Pre-application meetings are essential to ensure that detailed and complete applications are submitted. This in turn assists in the timeliness of the variance process.

- Although time consuming, feedback from other departments/agencies is a valuable step in the process. The jurisdictions surveyed report seeking feedback from their engineers, planners, and land use staff.
- Compliance inspections, following the issuance of a sign permit ascertains whether a sign is installed in accordance with the conditions of approval. Interviewees reported that follow up inspections add worthiness and value to the approval process.

Research also showed that variance application fees varied between jurisdictions. For example, fees in both Fairfax County and King County cost approximately \$3,000. (Note: These two jurisdictions receive substantially fewer variance applications than other jurisdictions surveyed.). Anne Arundel and Baltimore County charge different rates for commercial and residential zones. Howard County fees are based on per sign rather than per application.

Part VII. Findings

The County's sign approval and enforcement process is reasonably efficient and effective, although a number of opportunities exist for improvement. Customers generally rate their overall experience with both DPS and the Sign Review Board as favorable. However, almost half of sign permit applicants also register dissatisfaction with level of fees and length of processing time. Similar to Montgomery County, four of the five other jurisdictions surveyed utilize a third party examination process to hear and decide on sign variance applications.

The rest of this chapter elaborates on OLO's findings on the County's sign approval and enforcement process.

GENERAL FINDINGS ON THE SIGN APPROVAL AND ENFORCEMENT PROCESS

Finding #1: The Department of Permitting Services is the lead agency for the County's sign approval and enforcement process. The Sign Review Board is responsible for hearing and deciding on variances from the County's Sign Ordinance.

The Department of Permitting Services (DPS) is responsible for:

- Reviewing and deciding on sign permit applications;
- Issuing sign permits and sign installer licenses;
- Inspecting signs to determine compliance;
- Ordering the removal of any sign that is not in compliance;
- Revoking, suspending, or refusing to issue a sign permit or sign installer license; and
- Enforcing the conditions and terms of a variance issued by the Sign Review Board.

DPS assigns one workyear, shared by a Permitting Services Specialist and a Permit Technician to process sign permit and variance applications. Sign complaints are assigned to the four (4.0 WY) Zoning Enforcement staff responsible for all Zoning Code complaint investigations.

The County's Sign Review Board (established in the late 1960s) is a quasi-judicial body of County residents that hears and decides on variances from the County's Sign Ordinance. DPS receives and refers sign variance applications to the Sign Review Board for determination. Applicants must demonstrate to the Board that the Sign Ordinance imposes "practical difficulty, hardship, or significant economic burden." The Board consists of three members and meets the second Thursday of every month (except in August).

Finding #2: In FY 01 and FY 02, DPS received approximately 560 sign permit applications per year. The Department approved a great majority as submitted.

DPS records indicate that 90% of sign permit applications received during FY 01 and FY 02 were for permanent sign permits. DPS approved 90% of all permanent sign applications as submitted.

Similarly, in FY 01, DPS approved 96% of limited durations sign applications. The percent of limited duration signs approved in FY 02 dropped to about 75%.

Finding #3: DPS' target timeframe for reviewing and deciding on sign permits applications is ten days.

- In FY 01, DPS took an average of 10 days to approve permanent sign applications and 16 days to approve limited duration sign permit applications; and
- In FY 02, the Department took an average of 16 to 17 days to approve both permanent and limited duration sign permit applications.

OLO found that in FY 01, DPS approved about 75% of permanent sign applications and half of limited duration sign applications within 10 days. In FY 02, however, DPS approved 55% of permanent signs and 40% of limited duration signs within the ten-day target. The average process times in FY 02 increased to 17 days for permanent signs and remained at 16 days for limited duration signs.

DPS staff explain the decrease in performance reflects "inadequate level of staffing" in the Zoning program. Staff report that the individual responsible for reviewing and deciding on sign permit applications also provides technical assistance and administrative support to the Sign Review Board, staffs the zoning counter and attends to phone duty. According to DPS, these other duties decrease the individual's time to process sign permit applications.

Finding #4: Current DPS practices do not maximize the capability of the Department's automation system.

DPS' automated system has the capability of storing information to facilitate performance monitoring and evaluation. However, OLO evidenced inconsistencies in sign related data records.

DPS does not record the Sign Review Board's conditions of approval in the Department's automated system. The outcomes of a Board's hearing are kept in a paper file. According to DPS staff, past and future records of the Board's decisions will be captured in the automated system. In addition, DPS' computer system does not, in a user-friendly way, show the approval history of a sign permit, including whether a sign was subject to a variance.

Finding #5: Customers generally rate their overall experience with both DPS and the Sign Review Board as favorable. However, almost half of sign permit applicants also register dissatisfaction with level of fees and length of processing time.

OLO conducted a total of 40 telephone surveys with individuals randomly selected from DPS' computer records. The survey asked participants to rate a number of aspects of the County's sign approval and enforcement process, including their overall experience with DPS and/or the Sign Review Board.

- Over half of the sign permit applicants surveyed reported an overall positive experience with DPS. Survey respondents rated DPS staff favorably on characteristics such as overall professionalism and knowledge. However, 40% of respondents rated the length of processing time as *poor* and approximately half of respondents also reported that fees were *not reasonable*.
- About three quarters of the sign variance applicants surveyed rated their overall experience and interactions with DPS and the Sign Review Board as either *excellent* or *good*. The respondents felt that Board members were professional, polite, respectful, and treated them fairly. The majority of respondents thought the fees were *excellent or satisfactory*, and rated the time taken to process a sign variance as either satisfactory or good.
- Over half of the respondents who had filed a complaint about a sign with DPS reported an overall positive experience with DPS and over half rated the length of processing time as *excellent* or *good*. However, nearly 30% of respondents rated their overall experience as *poor*. The majority (80%) of complainants surveyed did not have any experience with other jurisdictions.

OLO's survey sought suggestions on ways to improve the County's sign approval and enforcement process. The common themes identified across participants fell into four categories:

- Improve communication/education about signs;
- Conduct more proactive rather than reactive enforcement;
- Amend the law to make it easier to interpret and less restrictive; and
- Decrease approval time by increasing sign approval staff and/or streamlining the approval process.

Finding #6: Sign Review Board members, DPS staff, and Sign Volunteers generally view the current sign approval process as effective. They also cite opportunities for improvement.

Improvements suggested by Sign Review Board members. OLO interviewed two of the three current members of the Sign Review Board. They suggested the following administrative improvements:

- Better record keeping of the Board's decisions;
- Revise the current sign variance application form;
- Formal sign law training, especially for new members;
- Better scrutiny of variance applications at the time of filing;
- Better line of communication on County initiatives affecting the Board; and
- Forward formal correspondence outlining the conditions of approval to the applicant.

In relation to legislative improvements, members suggested amending the current sign law to address the advertising demands on commercial office space; and reducing the permissible amount of signage for retail and commercial businesses.

Improvements suggested by Sign Volunteers. OLO interviewed two of the five currently active sign volunteers. The volunteers suggested that the County improve:

- The sign enforcement process by either recruiting more field staff to carry out proactive enforcement; or change current enforcement philosophy to encourage more fines for illegal signs.
- The community's knowledge on the County's Sign Ordinance by advertising the law's requirements in the chamber of commerce and with various trade groups.

Improvements suggested by DPS staff. OLO interviewed three DPS staff members involved with the sign review and approval process. The staff members concurred that the sign approval process could be expedited if:

- There were more than a single staff member assigned to review and decide on sign permit applications; and
- The Sign Review Board increased the frequency of its meetings, especially in the month following the Board's summer recess.

DPS staff interviewed identified (without endorsing) several structural alternatives that the County might want to consider for approving sign variances. Specifically, one alternative is to assign DPS staff the authority to decide on variance application. A second alternative is to engage a hearing examiner to hear and decide on variance applications, a process that would be similar to how DPS currently handles parking waivers. Another alternative suggested by Executive staff is to expand the Sign Review Board's membership to facilitate more frequent hearings. Staff noted that the fiscal impact of these options needs further examination.

SPECIFIC FINDINGS ON THE SIGN VARIANCE PROCESS

Finding #7: In FY 01 and FY 02, the Sign Review Board heard approximately 50 sign variance cases per year. The Board granted 90% of these variances.

Of the 106 variance cases heard over the past two fiscal years, the Board granted 90% of the variances, denied 6%, and 4% remain pending. Board members and DPS staff report that almost all variances granted are subject to various conditions related to the subject sign and/or other signs on the property¹⁷.

DPS records indicate that the commercial sector make up 75% of variance applicants, 13% are from private businesses, and the remaining 12% represent non-profit organizations (e.g., community groups and religious institutions). Over the past two fiscal years, the Board heard variance cases related to wall signs (48%); freestanding signs (39%); entrance signs (12%); and banner signs (1%).

Finding #8: The majority of sign variance applications are scheduled in time for the Sign Review Board's next available hearing.

Over 70% of sign variance applications in FY 01 and nearly 90% of applications in FY 02 were scheduled in time for the Sign Review Board's next available hearing. Depending on when an application is filed, the Sign Review Board's next available hearing can range from 16 to 50 days. On average, a variance applicant waited 48 days in FY 01 and 33 days in FY 02 to have a variance application heard by the Sign Review Board.

The data indicate that the current process for hearing and deciding on sign variances is reasonably efficient. However, neither DPS nor the Sign Review Board have formally established a performance target timeframe processing sign variance applications.

¹⁷ See page 16 for details on examples of conditions placed on variance applications by the Sign Review Board.

Finding #9: The sign ordinance requires that the Sign Review Board exercise its powers and duties according to procedures adopted by Council resolution. Such a resolution has never been adopted.

According to section 10.2 (b)(1)(C) of Chapter 59F of the Montgomery County Code, the Board must exercise its powers and duties according to the procedures adopted by Council resolution. The law states that the procedures must include:

- The keeping of records of meetings and hearings;
- The establishment of requirements for hearing notification;
- The orientation and training of new members;
- The issuance of an annual report of activities and accomplishments;
- Standards of conduct regarding conflict of interest;
- Standards of ethics; and
- The procedure for admission of evidence and testimony.

Finding #10: Similar to Montgomery County, four of the five other jurisdictions surveyed utilize a third party examination process to hear and decide on sign variance applications.

OLO spoke with staff from three other Maryland Counties (Anne Arundel, Baltimore, and Howard), Fairfax County, Virginia; and King County, Washington about their sign variance process. With exception to King County and similar to Montgomery County, four of the five jurisdictions surveyed, hear and decide sign variance applications independent of the permitting agency.

OLO consistently heard that hearing and deciding on variance applications, independent of the permitting agency sends a strong message of openness and transparency; and that third party review adds value to the review process.

The jurisdictions surveyed:

- Conduct compliance inspections following the issuance of a sign permit to ascertain whether a sign is installed in accordance with the conditions of approval.
- Have different variance application fees structures. Some of the jurisdictions surveyed charge different rates for commercial and residential zones and/or base their fees on per sign rather than per application. In addition, jurisdictions with expensive application fees (\$3,000 per application) received substantially fewer variance applications than other jurisdictions surveyed.

SPECIFIC FINDINGS ON THE SIGN ENFORCEMENT PROCESS

Finding #11: DPS received 250 sign complaints in FY 01 and 300 sign complaints in FY 02. For the majority of sign complaints received, DPS staff are meeting the Department's performance target of three days to respond to complaints.

In FY 01 and FY 02, DPS successfully responded to the majority of complaints within three-days. Despite the increase in complaint cases in FY 02, DPS staff were able to respond to a greater number of cases within three days, compared to FY 01.

OLO's data analysis also indicates that if a sign complaint is not resolved within three days, it is quite likely that resolution will take longer than twenty days. Approximately, 50% of the complaints in FY 01 and 25% of complaints in FY 02 fall into this category.

Finding #12: DPS has a number of proactive sign related initiatives. However, the Department does not conduct compliance inspections to ensure whether a sign has been installed in accordance with the conditions of approval.

The Department has initiated several proactive sign-related initiatives, including: the sign sweep program; sign volunteers program; sign awards program; and standards for neighborhood signs (see page 22-23 for explanation of initiatives).

However, the Department's core sign enforcement activities are primarily driven by complaints. There are no incentives for an inspector to take proactive action on an illegal sign, if it is not subject to a complaint. In addition, DPS does not routinely conduct compliance inspections to ascertain whether a sign has been installed in accordance with a sign permit's conditions of approval.

DPS staff report that they would like to conduct more proactive enforcement of the County's Sign Ordinance, but believe additional staff is needed to do so.

Part VIII. Recommendations

The County's sign approval and enforcement process is reasonably efficient and effective. The County reviews and decides on applications and requests for sign variances efficiently; responds to complaints about signs within acceptable time frames; and receives generally favorable ratings from customers.

Consistent with the goal of continuous improvement, this chapter outlines OLO's recommendations for process changes to implement in the short-term and structural changes to consider in the longer-term.

In the short term, OLO recommends:

- Four specific actions to improve the general management of the County's sign approval process; and
- Four actions to strengthen the effectiveness of the County's sign variance process.

In the longer term, OLO recommends that the Council ask the County Executive to report back on the feasibility of conducting more proactive enforcement, as well as changing the existing structure for hearing and deciding on sign variances.

SHORT TERM IMPROVEMENTS TO THE EXISTING SIGN APPROVAL PROCESS

Recommendation #1: To improve the general management of the County's sign approval process, OLO recommends that DPS staff:

- a) **Conduct compliance inspections to ensure that the installation of signs meet the conditions of approval;**
- b) **Make better use of sign-related data for performance monitoring and evaluation;**
- c) **Examine the sign variance application fee structure; and**
- d) **Examine the level of staffing assigned to the sign approval and enforcement process, within the context of DPS' "core staffing analysis."**

Conduct compliance inspections to ensure that the installation of signs meet the conditions of approval. To reinforce the purpose and effectiveness of the sign approval process, OLO recommends that DPS conduct compliance inspections to ensure the installation of a sign is in accordance with the Board's and/or Department's conditions of approval. OLO believes that given the relatively small volume of sign permit applications (560 per year); DPS should be able to absorb this task using existing staff resources.

Make better use of sign-related data for performance monitoring and evaluation.

OLO recommends that DPS establish and implement standard procedures for entering sign-related data into the Department's automated system. The procedures should address what type of data the Department needs to capture to facilitate efficient performance monitoring.

OLO recommends that DPS track how long it takes to:

- Review sign permit applications;
- Hear and decide on variance applications; and
- Respond to and resolve sign complaints.

OLO also suggests that DPS explore the feasibility of using the automated system to record the Sign Review Board's conditions of approval for sign variance applications. The computer system should (in a user friendly way) illustrate the approval history of a sign permit, including whether a sign was subject to a variance.

Examine the sign variance application fee structure. OLO recommends that the County Executive examine the current sign variance application fee structure to identify the advantages and disadvantages of:

- Increasing the current sign variance application fee;
- Charging a different rate for signs installed in residential and commercial/industrial zones; and
- Charging a fee per sign, rather than per variance application.

Examine the level of staffing assigned to the sign approval and enforcement process, within the context of DPS' "core staffing analysis." During the course of this study OLO heard that a lack of adequate staffing resources is affecting the efficiency and effectiveness of the sign approval and enforcement process. OLO cannot categorically determine whether this is the case.

OLO recommends that DPS address current staffing arrangements within the context of the Department's revised "core-staffing" analysis (to be included in the Department's proposed strategic plan). The "core-staffing" analysis is a human resources plan that identifies the staffing level, training and other workforce needs of the department. If the analysis detects an insufficient staffing level within the sign program, then the Council can appropriately evaluate a proposal for additional staff within the context of the Department's total human resource needs.

Recommendation #2: To improve the County's sign variance process, OLO recommends that DPS:

- a) Draft procedures that set out the Sign Review Board's powers and duties for adoption by Council resolution;**
- b) Provide variance applicants with a written copy of the Sign Review Board's decision and conditions of approval;**
- c) Schedule regular meetings between DPS staff and Sign Review Board members to discuss policies and procedures; and**
- d) Establish performance targets for hearing and deciding on variances.**

Draft procedures that set out the Sign Review Board's powers and duties for adoption by Council resolution. In accordance with the Sign Ordinance, OLO recommends that DPS establish (in consultation with members of the Sign Review Board) procedures that set out the Board's powers and duties for adoption by Council resolution.

As specified in the Sign Ordinance, the procedures must include:

- The keeping of records of meetings and hearings;
- The establishment of requirements for hearing notification;
- The orientation and training of new members;
- The issuance of an annual report of activities and accomplishments;
- Standards of conduct regarding conflict of interest;
- Standards of ethics; and
- The procedure for admission of evidence and testimony.

Provide variance applicants with a written copy of the Sign Review Board's decision and conditions of approval. The Board's conditions of approval are hand written on the variance application form at the time of the hearing and a copy is handed directly to the applicant (if requested). To enhance the effectiveness of the sign variance process, OLO recommends that DPS provide variance applicants with a formally typed copy of the Sign Review Board's decision and conditions of approval, within one working week of the Board's hearing.

Schedule regular meetings between DPS staff and Sign Review Board members to discuss policies and procedures. OLO recommends that DPS, in consultation with the members of the Sign Review Board, schedule two meetings a year to formally discuss matters affecting the sign variance process.

OLO recommends that the meetings resolve, or establish a clear strategy to resolve the following “high priority” issues:

- Amending the current sign law to address advertising demands on commercial office space, and reducing the permissible amount of signage for retail and commercial businesses;
- Instigating formal sign law training for current and future members of the Sign Review Board; and
- Increasing the frequency of Board hearings, especially in the month following the Board’s summer recess.

The meetings should facilitate discussion of revising the variance application form; keeping records of the Board’s decisions; discussing County initiatives that affect the Sign Review Board; and screening of variance applications at the time of filing.

Establish performance targets for hearing and deciding on variances. To solidify the current efficient rate of hearing and deciding on variance applications, OLO recommends that the County Executive formally set a performance target on processing variance applications. OLO suggests that the target should be in the order of 75% of variances heard at the Board’s next available hearing. OLO also recommends that the Sign Review Board report performance in its annual report.¹⁸

EXPLORING LONG TERM OPTIONS

Recommendation #3: The Council should request Executive staff to develop, and report back on a plan for proactive sign enforcement. The plan should include its potential fiscal impact on expenditures and revenues.

Under current practices, DPS sign enforcement is driven largely by complaints, with limited proactive enforcement. OLO recommends that the Council request Executive staff to develop and report back on a plan for implementing the following proactive enforcement measures:

- a) Expand the sign sweep program to include illegal signs on private property;
- b) Monitor areas that generate repeat sign complaints; and
- c) Provide incentives to inspectors to investigate illegal signs, not subject to a complaint.

¹⁸ The Sign Ordinance requires the issuance of an annual report of the Sign Review Board’s activities and accomplishments.

Recommendation #4: The Council should request Executive staff to examine and report back to the Council on the feasibility of:

- **Using Department staff or a hearing examiner to review and decide on sign variance applications; or**
- **Expanding the Sign Review Board's membership to facilitate more frequent hearings.**

During the course of this study, OLO heard (without endorsement) several structural alternatives to hearing and deciding on sign variances. Specifically, one alternative is to assign DPS staff, rather than the Board, the authority to decide on variance applications. A second alternative is to engage a hearing examiner to hear and decide on variance applications, similar to how DPS currently handles parking waivers. Another alternative suggested by Executive staff is to expand the Sign Review Board's membership to facilitate more frequent hearings.

OLO sees merit in exploring these alternatives but believes that any change to the current variance process should be:

- More effective and efficient than the current process;
- In keeping with the intent of the County's Sign Ordinance;
- Fair and consistent in its approach to processing sign variances;
- In the public's best interests; and
- Cost efficient.

Part IX. Executive Branch Comments

OLO circulated a draft of this report in August 2002 to the Chief Administrative Officer (CAO) and the Department of Permitting Services (DPS). The written comments received on the draft report from the CAO are included in their entirety, beginning on the following page. The CAO's comments address recommendations #1 and #2.

OLO appreciates the time taken by Executive Branch staff to review and comment on the draft report. OLO looks forward to a continuing discussion of the issues raised as the Council reviews the report in the coming months.



OFFICES OF THE COUNTY EXECUTIVE

Douglas M. Duncan
County Executive

Bruce Romer
Chief Administrative Officer

September 3, 2002

TO: Karen Orlansky, Director
Office of Legislative Oversight

FROM: Bruce Romer
Chief Administrative Officer

SUBJECT: Office of Legislative Oversight DRAFT Report, 2002-4,
An Evaluation of Montgomery County's Sign Approval and Enforcement
Process

Staff from the appropriate departments have reviewed your report on Sign Approval and Enforcement which the County Council will release in the near future. Please consider the following comments as you prepare the final version of Office of Legislative Oversight DRAFT Report, 2002-4.

On page 11, an explanation was requested concerning Table 3 on page 12, regarding the 25% increase in the number of limited-duration sign permit applications not approved. There appears to be no trend in the reasons for not approving 23% of the limited duration sign permit applications for fiscal year 2002, except that they were not in compliance with the law.

On page 14, the next to the last paragraph should read:

DPS staff instruct the applicant that he/she must notify ~~(by registered mail)~~ the owners/residents of surrounding properties, local citizen associations, and any municipality or special taxing district of the variance application at least 15 days before the hearing. Verification that notices have been sent is provided by the applicant to DPS on the form provided in Appendix 11.

There is no requirement that applicants provide notification by registered mail.



On page 19, at the bottom of the page, the completed sentence should read:

DPS staff report that the increase is due to a previous practice of entering variance requests into the automated permitting system as soon as they are submitted to DPS and collecting the fee for the variance at the time of the hearing. As a result of this practice, approximately 25% or more of the fees collected in any one fiscal year are actually for variances submitted in the previous fiscal year. This practice skews data when associating number of variances submitted and/or issued with fees collected in a given fiscal year. This practice has been discontinued and fees are now collected and processed at the time the variance applications are submitted. Also, there was a 15% increase in the number of variance applications submitted in FY02 over FY01.

The following comments are in response to the recommendations beginning on page 45.

Recommendation #1: To improve the general management of the County's sign approval process, OLO recommends that DPS staff:

a) Conduct compliance inspections to ensure that the installation of signs meets the conditions of approval;

This recommendation can only be accomplished with additional staff. DPS has four zoning investigators to respond to all zoning complaints, which include sign complaints. By adding sign permit compliance inspections, investigators will have to visit sign permit locations as many times as it takes to approve the inspection and to address any other zoning violations that may occur on the site. Also, DPS's experience has been that when there is enforcement of signage on one property, DPS also receives complaints regarding signs on adjacent properties, properties in the same block and any business competitors elsewhere in the county. As with any complaint, DPS must address these complaints which adds additional work to the case load of the Investigators. DPS will examine staffing for inspections of sign permits as part of the FY04 budget preparation.

b) Make better use of sign-related data for performance monitoring and evaluation;

DPS agrees with this recommendation and is currently working to improve on the use of sign-related data for performance monitoring and evaluation.

- c) Examine the sign variance application fee structure;

DPS will examine the sign variance application fee structure as part of the FY04 budget preparation process.

- d) Examine the level of staffing assigned to the sign approval and enforcement process, within the context of the DPS “core staffing analysis.”

DPS will examine the level of staffing assigned to the sign approval and enforcement process as part of the FY04 budget preparation process and will request additional staffing if appropriate. At a later date, DPS will examine the level of staffing assigned to the sign approval and enforcement process within the context of the DPS “core staffing analysis.”

Recommendation #2: To improve the County’s sign variance process, OLO recommends that DPS:

- a) Draft procedures that set out the Sign Review Board’s powers and duties for adoption by Council resolution;

In FY03, DPS will draft procedures that set out the Sign Review Board’s powers and duties for adoption by Council resolution as required by Section 59-F-10.2(b)(1)(C) of the Montgomery County Code.

- b) Provide variance applicants with a written copy of the Sign Review Board’s decision and conditions of approval;

In FY03, DPS will provide variance applicants with a written copy of the Sign Review Board’s decision and conditions of approval;

- c) Schedule regular meetings between DPS staff and Sign Review Board members to discuss policies and procedures;

DPS will coordinate with the Sign Review Board members at regularly scheduled meetings to discuss policies and procedures.

- d) Establish performance targets for hearing and deciding on variances.

In FY03, DPS will establish performance targets for hearing and deciding on variances.

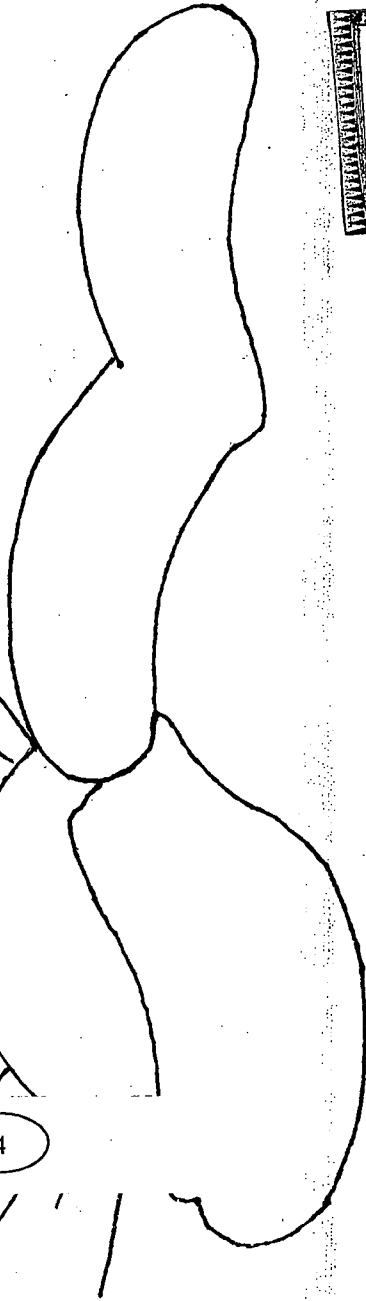
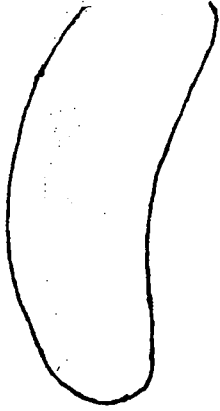
Montgomery County Sign Requirements by Type of Sign

Table A: Permanent Signs

Type of Sign & Assessed Criteria	Residential Zone	Commercial/Industrial Zone	Agricultural Zone
1. Freestanding Sign			
Number	One	One at each entrance	One at each entrance
Area	No greater than 2 sq. ft.	2 sq. ft. per linear ft. of frontage	Max 40 sq. ft.
Location	Min 5 ft. from property line	Determined by Zoning Ordinance	10 ft. from property line
Height	Max Five feet	Max 26 ft.	Max 10 ft.
Illuminated	Not Allowed	Allowed	Not Allowed
2. Wall Sign			
Number	One	One at each entrance	One
Area	No greater than 2 sq. ft.	2 sq. ft. per linear ft. of frontage	Max 40 sq. ft.
Location	N/A	Must not project over right-of-way	N/A
Height	Max 5 ft. from ground	Max 26 ft.	Max 26 ft.
Illuminated	Not Allowed	Allowed	Not Allowed
3. Entrance Sign			
Number	Two at each entrance	One on each face of the building	One at each entrance
Area	No greater than 40 sq. ft.	Max 1000 sq. ft per sign	Max 40 sq. ft.
Location	Min 5 ft. from property line *	Same as freestanding & wall sign criteria	10 ft. from property line
Height	Must not exceed 26 ft.	Max 26 ft.	Max 26 ft.
Illuminated	Allowed	Allowed	Allowed
4. Canopy Sign			
Number	Not Allowed	Not limited	Not Allowed
Area		2 sq. ft per linear ft. of frontage	
Location		Considered within building permit	
Height		Considered within building permit	
Illuminated		Not Allowed	

Source: OLO, July 2002

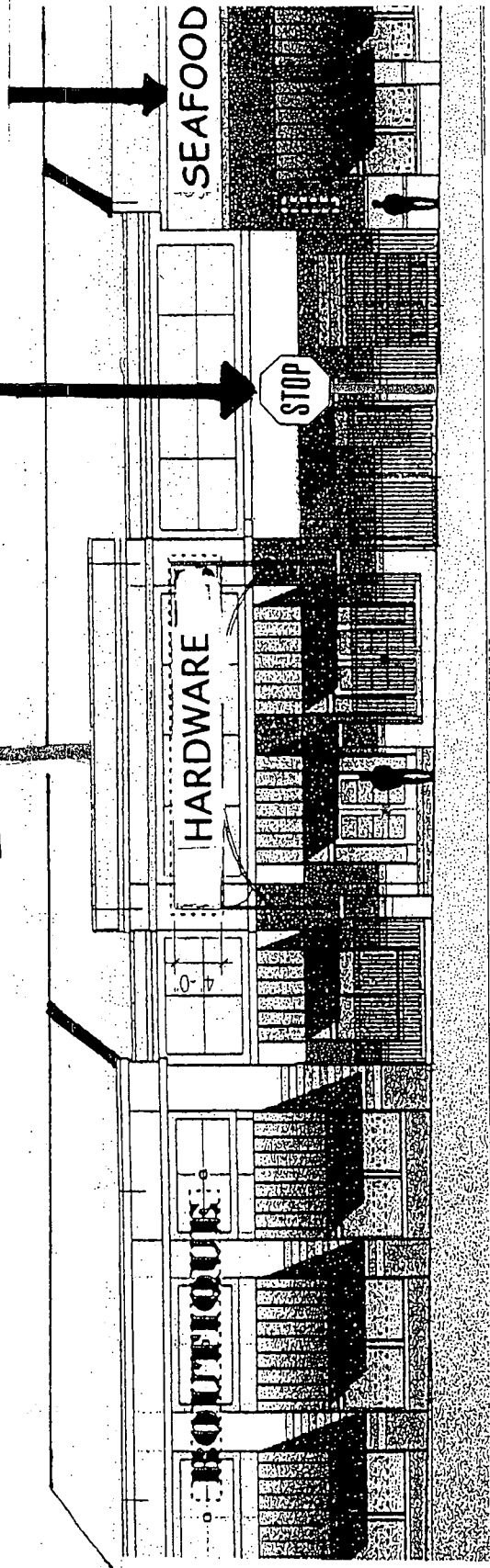
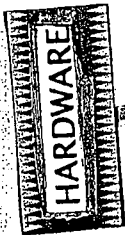
* An entrance sign to a subdivision, located in the right-of-way requires a revocable permit from the Sign Review Board and appropriate transportation jurisdiction, prior to installation.



Exempt: Traffic Control Sign

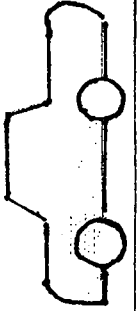
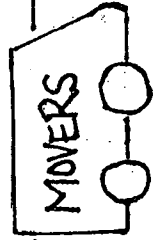
Prohibited: Roof Top

Permanent: Wall



Permanent: Freestanding

Plaza
Boutique
Hardware
Seafood



What Are The Requirements For Signs In The Different Zoning Classifications?

Residential Zones:

- **Permanent Signs**

A wall sign or freestanding sign or a combination of both is allowed. A total of 2 square feet of sign area is allowed. Freestanding signs must be setback at least 5 feet from the property line and must not exceed 5 feet in height.

- **Limited Duration And Temporary Signs**

The number of temporary or limited duration signs is not limited. The total sign area must not exceed 10 square feet. Height and setback requirements are the same as for permanent signs.

Mixed Use Zones: (Includes the Central Business Districts)

A sign erected on property developed for residential uses must comply with the standards for a residential zone. A sign erected on property developed for commercial or industrial uses must comply with the standards for a commercial or industrial zone. Freestanding signs are not allowed on lots less than 2 acres in size in mixed use zones.

Commercial and Industrial Zones:

- **Permanent Signs**

One wall sign is allowed for each customer entrance to the building. Two square feet of sign area is permitted for each linear foot of building frontage not to exceed 200 square feet per sign. A wall sign must not exceed 26 feet in height. The maximum area of window signs must not exceed 20% of the window area. A freestanding sign is allowed at each customer entrance to the building and driveway entrance to the property. Two square feet of sign area is permitted for each linear foot of lot frontage. A freestanding sign must not exceed the height of the tallest building on the property or 26 feet, whichever is less. The setback from the property line for a freestanding sign is 1/4 of the minimum building setback.

- **Limited Duration And Temporary Signs**

A total of 100 square feet of sign area is allowed. An individual sign must not exceed 50 square feet in area. Height and setback requirements are the same as for permanent signs.

5

DEPARTMENT OF PERMITTING SERVICES
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MARYLAND 20850-4166
240-777-6240

MONTGOMERY COUNTY, MARYLAND

DEPARTMENT OF PERMITTING SERVICES

Attachment 3



SIGN REGULATIONS

FACTS TO KNOW BEFORE YOU ERECT A SIGN

This brochure is designed to provide general information about Chapter 59-F of the Montgomery County Code. The sign regulations are intended to encourage the effective use of signs, to maintain and enhance the appearance of our communities, and to improve the safety of both pedestrians and motorists.

What Signs Are Regulated?

Any sign which can be viewed from beyond the property lines of the property where the sign is located.

How Are Signs Regulated?

Signs must comply with the sign regulations, Chapter 59-F of the Montgomery County Code. They are regulated by their type, the general zoning classification where they are located, and their size and placement on the property.

Are Some Signs Prohibited?

Certain signs are not permitted by the sign regulations to be erected or retained. Examples of prohibited signs include: roof signs, obstructive signs, unsafe signs, signs which move (banners, pennants, streamers, balloons, etc.), signs attached to public structures such as traffic devices or utility poles, and signs placed unlawfully in the public right-of-way.

Are Any Signs Exempt?

Certain signs are exempt from the sign regulations. Examples of exempt signs include: signs on private property 2 square feet or less in area associated with lawful residential activities, warning signs, official signs, and seasonal decorations.

How Do I Obtain A Sign Permit?

An application must be completed and submitted with required support documentation to the Department of Permitting Services (DPS) located at 255 Rockville Pike, Rockville, MD 20850. Information is available by visiting DPS or calling 240-777-6240.

What Does A Sign Permit Cost?

The fee for a permanent sign permit is \$192.50. The fee for a limited duration sign permit is \$22.00.

Who Is Responsible For Complying With The Sign Regulations?

The property owner, agent of the owner, lessee, or sign installer are jointly responsible for compliance with the sign regulations and obtaining any required permits.

What Is The Penalty For Violating The Sign Regulations?

A \$500 civil citation and/or removal of any sign that violates the sign regulations.

What Are The Three Different Types Of Signs?

Signs are separated into three types: permanent, limited duration and temporary. Each type has specific requirements and limitations.

- **Permanent Sign**

A sign intended to be displayed on private property for an indefinite period of time. A permanent sign requires a sign permit. An illuminated permanent sign requires a separate electrical permit.

- **Limited Duration Sign**

A non-permanent sign displayed on either private property or in the public right-of-way. A limited duration sign requires a sign permit. The permit is valid for one year, but may be renewed. Limited duration signs located in the public right-of-way are subject to strict safety standards, and may only be displayed on weekends or for 14 consecutive days during any six month period. Each sign must not exceed 5 square feet in area or be mounted more than 30 inches above the ground. An applicant is limited to 4 signs per business location. Limited duration signs must not be used in place of permanent signs.

- **Temporary Sign**

A non-permanent sign intended to be displayed on private property for not more than 30 days. A permit is not required for a temporary sign, however the date of installation must be noted on the sign.

SIGN VARIANCE PROCEDURE CHECKLIST

- 1) Complete the sign applications(s) and be sure to include all necessary signatures.**
- 2) Include three (3) drawings of the sign(s) showing exact measurements and indicate whether the sign is single faced or double-faced.**
- 3) Include a site plan showing the sign(s) location and distance from the property lines.**
- 4) Include pictures showing the subject property and a view of the road in each direction. Pictures should be labeled and secured in a portfolio form.**
- 5) Complete the variance application and include all applicable documents.**
- 6) Submit items 1-5 along with a \$330.00 check to Department of Permitting Services at 255 Rockville Pike, Rockville, Maryland, to obtain a hearing date.**
- 7) Obtain a copy of the appropriate tax map from the Department of Assessments and Taxation at 1 Metro Square (51 Monroe Street) Rockville, Maryland. On the tax map indicate which lots are adjoining and opposite the subject property. (See example #1), these lots will be affected by any Sign Variance. The owners of the affected properties and Citizens Associations in the area must be notified about the hearing once a date has been set. All affected parties must be notified at least 15 days before the hearing date.**
- 8) Certification of owner notification along with Assessment Tax Maps from item #7 indicating affected properties and a copy of the notices that were sent must be received at the Department of Permitting Services, located at 255 Rockville Pike, Rockville, Maryland, a minimum of 15 days before the hearing date.**

DLD:bal\signvar.ckc



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

VARIANCE APPLICATION
FOR SIGN

(Office Use)

CASE NUMBER _____ Date of Hearing _____

NOTIFICATION TO APPLICANT: DATE: _____

NOTIFICATION TO INTERESTED PARTIES: DATE: _____

APPLICANT'S NAME _____

(Print or Type) Address of Project _____

(Office Use)

TAX MAP NO. _____ BLOCK NO. _____ PARCEL/LOT NO. _____

ELECTION DISTRICT _____ ZONING _____

VARIANCE REQUEST DESCRIPTION: _____

SPECIAL EXCEPTION NUMBER (IF APPLICABLE): _____

BASIS FOR VARIANCE: (Give reason why the ordinance would result in undue hardship or peculiar and unusual practical difficulties) _____

CODE: _____ SECTION/SUBSECTION: _____ TITLE OR CODE: _____
(Office Use)

OTHER SIGNS ON PREMISES: YES _____ NO _____

PRESENT SIGNAGE DESCRIPTION

PERMIT NO.	TYPE SIGN	DIMENSIONS	ALLOWABLE SQ. FT.	PRINCIPAL WORDING
------------	-----------	------------	-------------------	-------------------

Signature of Legal Property Owner: _____

Address: _____

SIGN REVIEW BOARD ACTION:

APPROVED _____ DENIED _____

CONDITIONS FOR APPROVAL OR DENIAL:

Date

Date

Date

SIGN REVIEW BOARD MEMBERS (two signatures required)

APPLICANTS OR INTERESTED PARTIES PRESENT

NAME (Print)

(Signature)

NAME (Print)

(Signature)

NAME (Print)

(Signature)

NAME (Print)

(Signature)

SIGNATURES ABOVE INDICATED THAT THEY UNDERSTAND THE STATEMENTS FOR APPROVAL OR

NOTE: The Sign Review Board reserves the right to revoke any sign variance after finding that conditions of approval have not been met.

NOTE: Any decision by the Sign Review Board may, within 30 days, after the decision is rendered, be appealed by any interested party or parties to the Board of Appeals.

**MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES
SIGN REVIEW BOARD
255 ROCKVILLE PIKE, 2ND FLOOR, ROCKVILLE, MD 20850-4166**

DATE: _____

NOTICE OF SIGN VARIANCE HEARING:

You are hereby notified of the following public hearing to be held by the **Montgomery County Sign Review Board** on the following request:

SIGN REVIEW BOARD PUBLIC HEARING

DATE:

TIME:

Location:

DESCRIPTION OF VARIANCE REQUEST: _____

PROPERTY ADDRESS: _____

TAX MAP REFERENCE: _____

As a citizen, community association representative or other party of interest you are invited to attend this meeting and express your views concerning the above request for signage. Written comments will be considered part of the hearing record if received by the time of the scheduled public hearing. Decisions of the Sign Review Board are usually made immediately following the public hearing. Any decision by the Sign Review Board may, within thirty (30) days after the decision is rendered, be appealed to the Board of Appeals.

MONTGOMERY COUNTY **CASE NO.** _____
DEPARTMENT OF PERMITTING SERVICES
SIGN REVIEW BOARD
255 ROCKVILLE PIKE, 2ND FLOOR, ROCKVILLE, MARYLAND 20850-4166
PHONE: (301) 217-6280

CERTIFICATION OF NOTICE TO AFFECTED PARTIES

Sign Review Board
255 Rockville Pike, 2nd Floor, Station 5
Rockville, Maryland 20850-4166

Note: The applicant shall supply the names and certify that notice has been sent to those parties to whom notice is required and shall furnish such Certification of Notice and a listing of the persons to whom notice has been sent to the Sign Review Board at least (15) days prior to the hearing.

ADDRESS OF PROJECT: _____

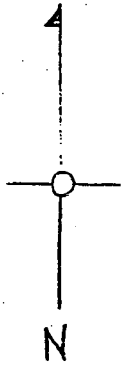
DATE NOTICES SENT: _____

SIGNED: _____	_____
Print Name	Signature
_____	_____
Telephone	Date

OWNERS NAME AND ADDRESSES:

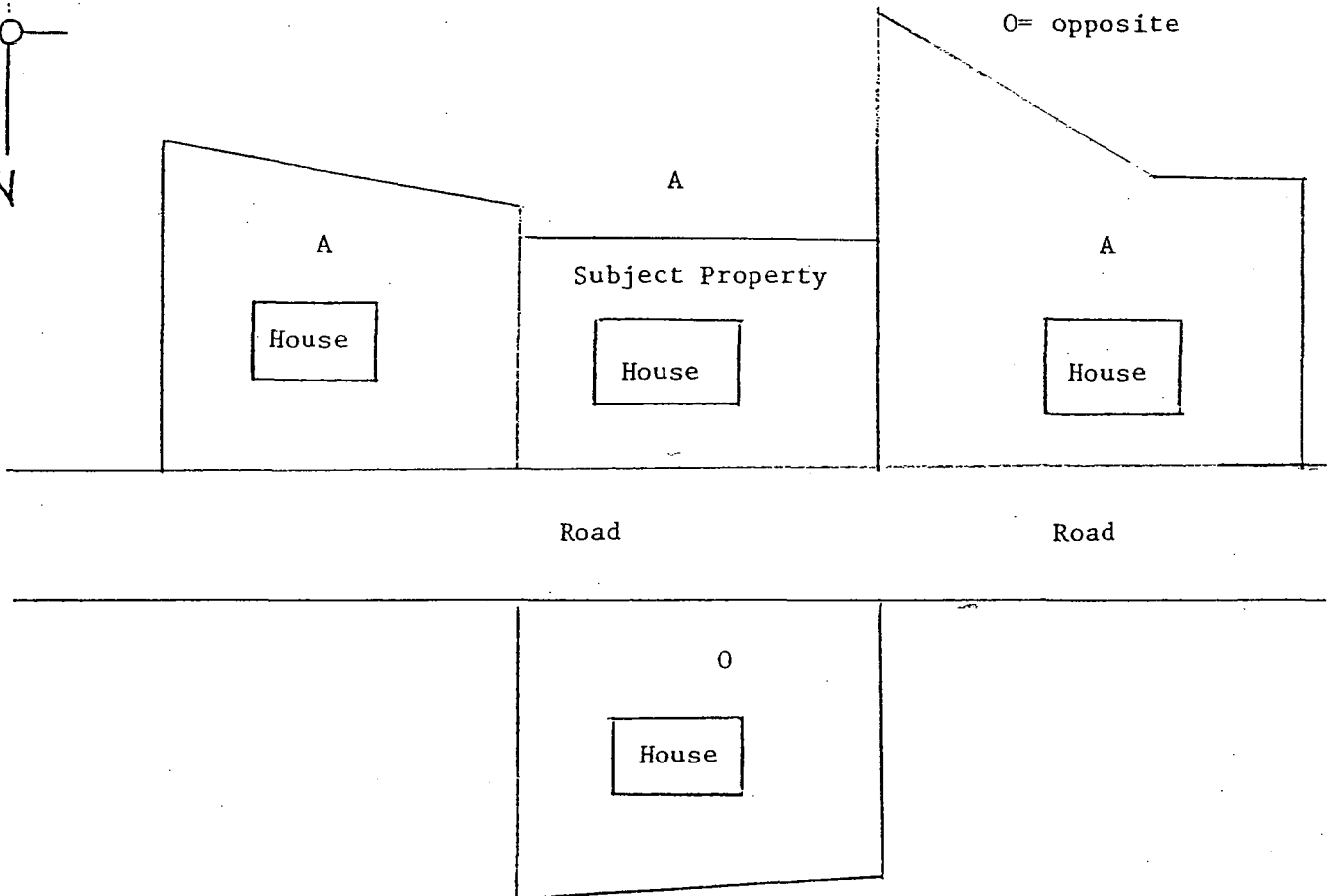
1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Example # 1



A= adjoining

O= opposite



ILLEGAL SIGN

In Violation of Montgomery County Code 59-F



SUBJECT TO

\$500 FINE



DEPARTMENT OF PERMITTING SERVICES - 240-777-6240

Attachment 5

Survey Form

Sign Permit Applicants without Variance

At the request of Montgomery County Council, the Office of Legislative Oversight is currently undertaking a review of the County's sign approval and enforcement process. The purpose of this survey is to seek feedback from people who have had recent experience with the process. Your name was randomly selected from the Department of Permitting Services' records. Do you have 5 minutes to respond to a few questions?

Q1. How do you rate your overall experience with the sign approval process?

- ☐ *Excellent*
- ☐ *Good*
- ☐ *Satisfactory*
- ☐ *Poor*
- ☐ *No Opinion*

Q2. How do you rate the time taken to complete the approval process from first contact with DPS until final action?

- ☐ *Excellent*
- ☐ *Good*
- ☐ *Satisfactory*
- ☐ *Poor*
- ☐ *No Opinion*

Q3. How do you rate the overall professionalism and knowledge of DPS staff?

- ☐ *Excellent*
- ☐ *Good*
- ☐ *Satisfactory*
- ☐ *Poor*
- ☐ *No Opinion*

Q4. How do you rate the reasonableness of the fees?

- ☐ *Excellent*
- ☐ *Good*
- ☐ *Satisfactory*
- ☐ *Poor*
- ☐ *No opinion*

Q5. Do you have any suggestions for improving the County's sign approval process?

Q6. Does the County's current sign law meet your/your organizations' needs?

- ☐ Yes
☐ No. Please explain

Q7. How do you think Montgomery County's sign approval process compares with other jurisdictions?

- ☐ *Better*
☐ *Same*
☐ *Worse*
☐ *No Experience with other jurisdictions*
☐ *No Opinion*

Q8. Which one of the following categories best describes you?

- ☐ Sign Installer Contractor
☐ Business owner
☐ Homeowner
☐ Architect
☐ Attorney representing a client wishing to install a sign
☐ Community/Church Group Representative
☐ Engineer, public agency representative, developer or other

Survey Form

Approval with Variance

At the request of the Montgomery County Council, the Office of Legislative Oversight is currently undertaking a review of its sign approval, variance, and enforcement process. The purpose of this survey is to seek feedback from people who have been recently exposed to the process. Your name was randomly selected from the Department of Permitting Services' records. Do you have 5 minutes to respond to a few questions?

Q1. As you know, most people given the option would prefer not to go through process of presenting their case to the Sign Review Board. However, putting this feeling aside, we are interested in whether you feel that the Board, treated you fairly, acted in a professional manner, were polite and respectful, and listened to your case. Within this context, how do you rate your overall experience/interactions with the Sign Review Board?

- ☐ *Excellent*
- ☐ *Good*
- ☐ *Satisfactory*
- ☐ *Poor*
- ☐ *No Opinion*

Q2. Did DPS staff inform you beforehand of what to expect when presenting your case to the Board? If yes, did your actual experience match what you had been told to expect?

- ☐ Yes
- ☐ No

Q3. How do you rate the time taken to complete the variance process?

- ☐ *Excellent*
- ☐ *Good*
- ☐ *Satisfactory*
- ☐ *Poor*
- ☐ *No Opinion*

Q4. How do you rate the overall professionalism and knowledge of DPS staff?

- ☐ *Excellent*
- ☐ *Good*
- ☐ *Satisfactory*
- ☐ *Poor*
- ☐ *No Opinion*

Q5. How do you rate the reasonableness of the fees?

- ☐ *Higher than other jurisdictions*
- ☐ *Comparable to other jurisdictions*
- ☐ *Less than other jurisdictions*
- ☐ *No opinion*

Q6. Does the County's current sign law meet your/your organization's needs?

- ☐ *Yes*
- ☐ *No. Please Explain*

Q7. How would you improve the County's current sign law?

Q8. How do you think Montgomery County's sign variance process compares with other jurisdictions?

- ☐ *Better*
- ☐ *Same*
- ☐ *Worse*
- ☐ *No Experience with other jurisdictions*
- ☐ *No Opinion*

Q9. Which one of the following categories best describes you?

- ☐ Sign Installer Contractor
- ☐ Business owner
- ☐ Homeowner
- ☐ Architect
- ☐ Attorney representing a client wishing to install a sign
- ☐ Community/Church Group Representative
- ☐ Engineer, public agency representative, developer or other

Survey Form

Complainants

At the request of Montgomery County Council, the Office of Legislative Oversight is currently undertaking a review of its sign approval and enforcement process. The purpose of this survey is to seek feedback from people who have been recently exposed to the process. Your name was randomly selected from the Department of Permitting Services' records. Do you have 5 minutes to respond to a few questions?

Q1. How do you rate your overall experience with the County's sign complaint/enforcement process?

- ☐ *Excellent*
- ☐ *Good*
- ☐ *Satisfactory*
- ☐ *Poor*
- ☐ *No Opinion*

Q2. How do you rate the time taken to complete the sign enforcement process from first contact with DPS until final action?

- ☐ *Excellent*
- ☐ *Good*
- ☐ *Satisfactory*
- ☐ *Poor*
- ☐ *No Opinion*

Q3. How do you rate the overall professionalism and knowledge of DPS staff?

- ☐ *Excellent*
- ☐ *Good*
- ☐ *Satisfactory*
- ☐ *Poor*
- ☐ *No Opinion*

Q4. Do you have any suggestions for improving the County's sign enforcement process?

Q5. Does the County's current sign law meet your/your organizations' needs?

- ☐ Yes
- ☐ No Please explain

Q6. How do you think Montgomery County's sign complaint/enforcement process compares with other jurisdictions?

- ☐ *Better*
- ☐ *Same*
- ☐ *Worse*
- ☐ *No Experience with other jurisdictions*
- ☐ *No Opinion*

Q7. Which one of the following categories best describes you?

- ☐ Sign Installer Contractor
- ☐ Business owner
- ☐ Homeowner
- ☐ Architect
- ☐ Attorney representing a client wishing to install a sign
- ☐ Community/Church Group Representative
- ☐ Engineer, public agency representative, developer or other

Sign Variance Process in Five Other Jurisdictions

Anne Arundel County. Anne Arundel's Department of Planning and Code Enforcement receives approximately 400 sign variance applications per year. The Department assigns three workyears to process sign variances. Applications in residential zones cost \$125 and \$200 in commercial areas.

Once accepted, applications are given a unique case number and are forwarded to the Office of Administrative Hearings and other County departments and agencies for comment.

At the hearing, a representative from the Department presents the comments and gives a recommendation. This testimony as well as the applicant's testimony is considered by an Administrative Hearing Officer. The Officer has 30 days from the close of the hearing to issue a written decision on the matter. The decision may be appealed within 30 days to the Board of Appeals. Anne Arundel staff report that 80% of variance cases are approved with conditions.

Howard County. Similar to Ann Arundel County, in Howard County, variance applications are heard and decided by a Hearing Examiner. Howard County also seeks comments on the application from various agencies, which are also considered along with the applicants testimony at the hearing. Decisions made by the Hearing Examiner can be appealed to the County's Board of Appeals. Howard County receives, on average 60 variance applications per fiscal year. Applications cost \$310 per sign.

Baltimore County. Each year, Baltimore County's Zoning Review Office receives approximately 300-350 sign variance applications. The County assigns one workyear to process sign variance applications. Applications in residential zones cost \$50 and \$250 in commercial areas.

Prior to filing an application, applicants meet with a representative from the Zoning Review Office to thoroughly review the petition. Once accepted, the petition is distributed for comment to the members of the Zoning Advisory Committee (made up of various representatives of relevant County and State agencies). Members' comments are integrated into a report that is presented at the hearing. The variance application is advertised (at the applicant's expense) in the local newspapers, fifteen days prior to the hearing. At a quasi-judicial hearing, the Zoning or Deputy Zoning Commissioner hears and decides on the application. Decisions may be appealed within 30 days to the Board of Appeals. Baltimore County staff report that 70% of variance cases are approved with conditions.

Fairfax County. In Fairfax County, the Planning Commission and Board of Supervisors hear and decide approximately four sign waiver¹ applications per year. Prior to the hearing, the County's Zoning Evaluation Division reviews, and if accepted, distributes the waiver applications to other various County agencies for comment. Division staff are also responsible for presenting the waiver applications and staff position at public hearings before the Planning Commission and Board of Supervisors. The applicant is responsible for notifying adjacent property owners 15 days prior to the hearing. At the public hearing, the applicant is given the opportunity to justify the variance request. Individuals supporting or opposing the variance petition are also given the opportunity to present their case. Decisions are made by the Board of Supervisors. The applicant has the opportunity to appeal the Board's decision to the Circuit Court. Fairfax County staff report that 85% of variance cases are approved with conditions.

King County. The Land Use Service Division of King County receives, on average, two sign variance applications per year. Applicants meet with staff to review and discuss the application, prior to filing. If accepted, the Division notifies property owners within 500 foot radius of the subject property of the proposed sign. In addition, the Division publishes a notice of the application in both the county and general newspaper. The applicant is required to place a notice board on the subject property advertising the proposed variance. Based on the information presented in the variance application and the information received from the community, the Manager of the Land Use Services Division issues a written decision. The applicant has 14 days to appeal the decision to the County's Hearing Examiner.

¹ Fairfax County refers to sign variances as waivers.

